

# **Student Codes of Conduct**

**A Guide to Policy Review  
and Code Development**



**New Jersey State Department of Education  
Fall 1995**



# **STUDENT CODES OF CONDUCT**

## **A GUIDE TO POLICY REVIEW AND CODE DEVELOPMENT**

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## COMMISSIONER'S FOREWORD

All students have a right to a public education free from the threat of school violence. Yet, deteriorating community norms regarding acceptable behavior have directly influenced the level of disruptive behavior in schools. The level of violence perpetrated and experienced by New Jersey's school-aged youth is dramatic and disturbing. In 1992, New Jersey young people under the age of 18 were arrested more than 25,000 times for serious crimes such as murder, aggravated assault, and theft. Beginning in 1991, the Department of Education's reporting system for monitoring incidents of violence, vandalism, and substance abuse began to reflect an increase in reported acts of disruption and violence in New Jersey public schools. By 1993 it was clear that this increase was not an anomaly, but represented a serious threat to the integrity of the educational process in many schools.

The Safe Schools Initiative, approved by the State Board of Education in December 1994, is the department's planned response to assist schools to address the problems of student disruption and violence. The initiative is a set of policy and program objectives which the department has begun to implement using existing federal and state resources. The first proposed action in the Safe Schools Initiative is to "encourage every school in New Jersey to develop a written code of student conduct..." Every school in New Jersey must clearly define the obligations of students regarding acceptable and unacceptable behavior and communicate the consequences that will result from students' success or failure in meeting their obligations.

As indicated in the Safe Schools Initiative, other institutions of society, especially the institution of the family, must fulfill their obligation to address the underlying social causes of the behavior of violent and disruptive students. By agreeing on a set of core values, insisting that parents sign a statement indicating they have read and understand the code of conduct, and agree to abide by the rules, and by consistently administering the provisions of the code of conduct, school officials can send a powerful message to parents and students that they are accountable for student behavior in schools and at school-sponsored programs and activities.

The Department of Education is determined to continue to work with educators, law enforcement and judicial officials to protect and maintain the rights of all students to instruction in an environment conducive to learning. In order to encourage the development of codes of conduct, beginning in 1996, school districts requesting discretionary funds will be required to have in place a board of education authorized code of conduct. The assurance statement which accompanies the request for funding will require that the student code of conduct contain a provision for parental sign-off.

Developing a school district code of conduct is a critical first step in reducing violent and disruptive behavior and keeping schools safe. There are many valid processes by which school districts can devise codes of conduct and many legitimate forms they can take.

Student Codes of Conduct: A Guide to Policy Review and Code Development is shared with New Jersey educators to provide a resource for use in developing conduct codes, and to provide illustrations of the kind of approaches other districts have found effective. I strongly recommend that every school district use this document as part of a process to review and, if necessary, revise its code of conduct.

Leo Klagholz  
Commissioner of Education



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Bloomfield Board of Education  
Brower County Public Schools  
Caldwell-West Caldwell Public Schools  
Clifton T. Barkalow School  
Cranford High School  
Delsea Regional High School  
Dr. George Cunningham School &  
    South Vineland School  
Fredon Township School  
Glen Meadow Middle School  
Hamburg Public School  
Hopatcong Middle School

Bedminster, NJ  
Belleville, NJ  
Belvidere, NJ  
Berlin, NJ  
Bloomfield, NJ  
Brower County, FL  
West Caldwell, NJ  
Freehold, NJ  
Cranford, NJ  
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Vineland, NJ  
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Vernon, NJ  
Hamburg, NJ  
Hopatcong, NJ

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Quinton Township Public Schools  
Ringwood Public Schools  
Sandhill School  
Shiloh Elementary School  
Shrewsbury Borough Schools  
Somerdale Public School District  
Stow Creek School  
Vernon Township Public Schools  
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Washington Borough Board of Education  
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West Deptford Township School District  
West Essex Senior High School  
Winfield Township School  
Woodbury High School

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North Caldwell, NJ  
Winfield, NJ  
Woodury, NJ

# CODES OF CONDUCT

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# CODE OF CONDUCT

## 1. INTRODUCTION

### Background

In the 10 years since the Department of Education published the first edition of Student Codes of Conduct, the issues of discipline, violence, vandalism, and substance abuse in the nation's schools have continued to be of great concern to educators and the general public. Indeed, these issues have ranked first or second in the annual Gallup poll of the public's perception's of the biggest problems facing public education for each of the last ten years (Phi Delta Kappa, 1984-94).

The level of violence perpetrated and experienced by school-aged youth has become a matter of especially grave concern over the past several years. Homicides and suicides account for 34 percent of deaths among adolescents between the ages of 15 and 19, and for 14 percent of deaths among those ages 10 to 14, according to the National Adolescent Health Information Center. For young African American males, violence involving firearms is the leading cause of death (Centers of Disease Control and Prevention, 1994).

While the worst outcomes of violent behavior, such as homicide, do not commonly occur in schools, the unacceptable conduct and violence so apparent in our communities have become increasingly common in our nations' schools. This disturbing fact is revealed in New Jersey by school districts' annual reports on the number of violent incidents that occur in the state's schools and classrooms. New Jersey educators reported 14,749 incidents of violence during the 1993-94 school year. This represents a continuing increase in the number of incidents of violence in New Jersey public schools since 1990, when 4,932 incidents were reported.

The response by the New Jersey State Board of Education and the department of this escalation in violence has been clear and forthright. In 1994 the State Board adopted the following as one of its goals for the state education system:

Every school in New Jersey will be free of drugs and violence and offer a safe, disciplined environment conducive to learning (N.J.A.C. 6:8-2.1).

In its April 1994 resolution calling for the creation of a five-year plan for systemic educational improvement, the State Board established as its first priority the pursuit of "high standards in a safe learning environment." In July 1994 the department presented the Safe Schools Initiative to the State Board. The initiative consists of policies and programs developed in response to the recommendations of a department Violence and Vandalism Prevention Task Force and refined through a process of review by educators and members of the public across the state. In December 1994, the State Board directed the Commissioner of Education to implement the policy and programmatic objectives outlined in the Safe Schools Initiative.

### **Implementation of the Safe Schools Initiative**

The Department of Education has made significant progress in implementing the provisions of the Safe Schools Initiative:

- The juvenile delinquency confidentiality law (P.L. 1994, Chapter 56) has been amended to facilitate the sharing of law enforcement information with schools.
- The Legislature has passed and Governor Whitman has signed into law two bills (Chapters 127 and 128 of 1995) which require the removal of students for specific disruptive acts. Under the provisos of these new laws, pupils who possess a firearm or who commit assaults with a weapon other than a firearm must be immediately removed from the regular education program and provided with an alternative program, pending a hearing before the board of education;
- The department has established a state network of countywide alternative schools to provide educational services and social skills to students removed from their regular classes for chronic disruption or serious conduct offenses;
- Awards totaling \$448,915 have been made under the Safe Schools Initiative Grant Program to ten school districts to create model violence prevention programs, and awards totaling \$981,270 have been made to ten school districts to develop alternative education programs for disruptive and disaffected students.
- Federal Safe and Drug-Free Schools and Communities Act funds have been dedicated to the effort to establish school-located community service centers under the auspices of the Department of Human Services, as recommended in the final report of the Governor's Advisory Council on Juvenile Justice.
- The department has recommended specific changes in the special education regulations which will eliminate the requirement that each student must be evaluated by the child study team for an educational disability prior to expulsion.
- The Vandalism, Violence, and Substance Abuse Incident reporting system has been revised with the assistance of state associations and educators and will be implemented beginning with the 1995-96 school year. The department will support implementation through production of a video-tape and discussion guide designed to increase the quality of the incident reports.

## **What are codes of conduct?**

Codes of conduct are board of education authorized policies and procedures containing a system of school rules which define acceptable student behavioral expectations and standards, and govern student behavior through rewards, sanctions and due process. In order to understand the reason why codes of conduct are important and not merely perfunctory statements of school rules, it is important to define and understand the relationship between discipline, disorder, and conduct. In the context of the school environment, discipline can be described as ordered behavior that leads to better learning (National School Safety Center, 1993). Disorder can be defined as the violation of conventional expectations about correct conduct in schools. Violence in schools is an example of undisciplined behavior which violates the expectations of proper conduct and threatens the educational process (National School Safety Center, 1992; Toby, 1994).

How should schools define what constitutes “correct conduct?” Codes of conduct must be based on a community’s expectations about acceptable or unacceptable behavior. The notion of what is suitable or correct is in turn grounded in our common sense of ethical behavior and shared values, as well as in the laws that define specific acts which are socially unacceptable. Codes of conduct define these normative behaviors and specify the consequences students and parents can expect for both adhering to them and violating them. To be effective, research has shown that this system of positive reinforcement and disciplinary consequences must be applied consistently and swiftly, in close proximity to the behaviors. Both acceptable and unacceptable behavior must be met systematically with appropriate responses which have broad support among parents, students, and school authorities.

This document provides recommendations and resources to enable school districts to establish a framework and working set of guidelines for student conduct so that schools can fulfill their essential mission to support student learning and social development. The method used to develop the school district code of conduct can establish a foundation which will facilitate the consistent application of local policies and disciplinary procedures. The first step is including a broad representation of members of the school community in the process of developing the codes of conduct. As noted in this document, a second step is requiring a parental sign-off of a clearly defined system of behaviors and consequences. For example, it is important for parents and students to understand and agree not only that fighting is unacceptable but also that fighting will result in suspension. And, it is important that this consequence be applied consistently and swiftly when the behavior occurs. If agreement does not exist, then there will be debate instead of action, students will get mixed messages from the school and home, and the wrong behavior will be reinforced.

## **Content of the Document**

The first two sections of the document provide the contextual information and recommendations to guide the process school districts should consider in forming a code of conduct. The third and fourth sections present a comprehensive overview of recommended components for school codes

of conduct and a discussion of strategies for implementing the code. The Appendix to the document contains resources for district use both as reference materials (e.g. the legal framework) and specific guidance (e.g. model policy components).

## **2. THE PROCESS FOR DEVELOPMENT OF THE CODES**

A governance program begins and ends with human beings. Its success depends on how the people who administer the program -- students, teachers and principal -- perceive each other. If there is mutual trust and respect among all people in the school, the governance program has every chance of achieving its objectives.

Edward T. Ladd and John C. Waldren

### **Establishing A Set of Core Values**

In 1989 the State Board of Education accepted the Report of the Advisory Council on Developing Character and Values in New Jersey Students and called upon district boards of education to form local school and community committees to develop a common core of values as the basis for district policies and programs. Values are the essential principles or standards which guide behavior. Codes of conduct are statements of acceptable and unacceptable behavior. Therefore, it is important to establish a district code of conduct founded on a core set of values supported by the community.

Districts should consider engaging in a process leading to general consensus among diverse members of the school community regarding the core values that represent those values which are deemed to be essential for a civil society and a working school. A set of core values serves as the foundation for a district code of conduct. Student responsibilities and rights, for example, should be able to be traced directly to the core values statements. The adopted core values should serve as a reference point and stable framework for reasoning through differences of opinion regarding the purpose of specific school rules or the appropriate rewards to be given and sanctions to be imposed for specific behaviors.

Values development in children is primarily the responsibility of the family. However, schools have a special, critical role in the socialization of children and teenagers. School officials and educators transmit values to students by the way schools are organized and conducted and how students are treated, as well as through the process of instruction itself. At the heart of any educational enterprise are two value-laden assumptions. First, that teachers and students will endeavor to trust one another and cultivate an understanding through which the pursuit of knowledge is possible. Second, that the effort being made to become educated is worthwhile, that it will lead to a beneficial result for the student and for society. Understanding of these two primary values underlying educational institutions is one starting point for an exploration and definition of core values for a democratic society.



The core values framework developed by the Advisory Council on Developing Character and Values in New Jersey Students is included as Appendix C. It rests on four simple assertions, that the important or core values can be grouped under four headings:

Respect for Self;  
Respect for Others;  
Respect for Society; and  
Respect for the Environment.

If a school district has already adopted a set of core values, they should be reviewed by the school/community committee responsible for drafting a new or revised code of conduct and referenced where appropriate in the document.

### **Achieving Broad Based Participation**

In 1980 the New Jersey State Board of Education adopted a resolution encouraging school districts to develop student codes of conduct with broad participation from students, parents and the larger community. District codes will achieve more acceptance and support if those individuals who are directly affected by them are directly involved in their formulation.

The district board of education has the responsibility to adopt policy that provides a safe and healthful learning environment for all students. Most school districts have procedures in their bylaws for the formulation, adoption and amendment of policy. These procedures provide a means whereby all interested parties in the school community may submit proposals and contribute opinions and information for the board's consideration. Boards of education have recognized their responsibility to the various publics they serve and generally have adopted bylaws allowing sufficient time for public discussion of policy matters. On locally volatile issues, boards of education generally schedule special meetings to ensure adequate communication. The policy development and review system used by most school districts adequately meets the need for school community input in developing code of conduct.

The formation of a local representative committee to help with the formation and implementation of board policies addressing codes of student conduct is an important first step in achieving a positive outcome to the code development process. School districts should seek the participation of groups offering diverse perspectives. Students, teachers, administrators, support personnel, and parents are, of course, the obvious groups which should be involved. However, representatives of other groups in the community, i.e., attorneys, representatives of local government, law enforcement and court personnel, and social service and civic organizations whose duties relate to youth may also be able to assist in development of the codes. In regional school districts it is especially important to include representatives from sending school districts. In securing broad participation, school districts should take special care to insure that there is meaningful participation by racial, ethnic or religious groups present in the community.

The participation by students, the group that will be most affected by the codes, cannot be over-emphasized. Students' awareness that they have played an important role in developing the codes may have a significant positive impact on student conduct. This can contribute to the kind of acceptance of the codes that make them an effective agent in promoting an orderly school environment. It will also contribute to the kind of school climate that increases students' general positive identification with the school, thus promoting the bonding to school which research has shown is a critical influence in positive youth development.

### **Steps in Developing a Code**

#### **A. Formation of a Local Representative Advisory Committee**

Working effectively with many different groups to produce a written code of student conduct requires planning.

The first step, then, is to form a representative advisory committee. The purpose of the committee is to study the problems around the issue of student conduct; to identify problems specific to the community and school district; to analyze the alternatives; to consider various viewpoints; and ultimately, to draft the code.

Selection of individuals for committee participation may be achieved in several ways. Announcements of the school district's plan to develop a student code of conduct may be made at meetings of religious groups or community organizations. Announcements in the local media, posted announcements, word of mouth and fliers are other possible ways of publicizing formation of the committee. Student members of the committee may be identified by contacting student organizations, requesting volunteers or by obtaining recommendations from school personnel or other organizations.

It is important that the method of selecting students and other committee members be perceived as fair, whether it takes place by a process of election or by a screening and interviewing procedure. Selecting individuals who are interested in and have time for the committee, as well as those who are responsible and can work creatively with other people, will result in a code that is likely to receive broad acceptance. It is important that the person selected to be chairperson of the local representative committee be an individual who is sensitive, dependable, well-organized, and able to keep the committee consistently moving toward its goal.

#### **B. Undertaking a Needs Analysis**

All communities are not the same. Gathering information to determine what student behavior issues need to be addressed in a particular community will

increase the likelihood that the committee drafts a code that is responsive to local needs. For local planning purposes, nationwide data on the incidence of violent or disruptive behavior in the schools are clearly not adequate. Data already available in the district will be the most relevant and persuasive source of information in examining the needs to which the code should be responsive. The information collected by a particular district should include the past two to three years of data reported to the state of incidents of vandalism, violence and substance abuse. Information from local reports and newspaper articles listing incidents will also be helpful. In the case of most communities, it is likely that a small survey, perhaps even an informal one of school principals and other school personnel and of students themselves, would be helpful assessing local needs. The more varied the sources of the data, the more reliable and valid the obtained results will be.

Other sources of school data that speak to issues that relate to codes of conduct are general information from pupil services staff, school health services information, and information identifying individual pupils from school security personnel. While specific student information should be held confidential, summary frequency data can be very useful in identifying patterns and trouble spots.

Similarly, information could be collected to determine the frequency in the particular community of other kinds of student behavior issues, such as juvenile crime or political disputes. Some attempt should be made to determine the attitudes of school and community representatives toward the current code of conduct and any proposed changes.

### **Drafting the Code**

#### **A. Mechanism for Resolving Disputes**

After the needs of the community, the core values, and the legal principles that apply to student behavior issues are understood, and the different viewpoints of committee members on the various issues have been considered and discussed, the committee must come to some consensus as to what the code will contain.

Deciding on specific rules, procedures and sanctions to be included in the proposed code provisions may not always be easy, and certainly communities and individuals are not always in agreement as to what is or is not proper or appropriate behavior for students. The committee is very likely to reflect these differing values and points of view. Accordingly, the committee must establish mechanisms such as discussion rules and a decision-making framework for resolving disputes in advance of these inevitable conflicts among members as to what the code should contain, as well as the tone and implementation plan for the code.

B. Actual Drafting

After the committee has reached a consensus on exactly what the code should contain, including the precise positions that will be taken on the issues that it covers, one member or a group of members should be selected to produce an actual draft of the code. That draft should then be copied and circulated among the other committee members for review, comment and discussion. It should be kept in mind that the codes should be drafted with an emphasis on clarity and readability.

C. Setting a Timetable

The committee should establish a realistic timetable for the process of producing the code. Specific dates should be set for production of the initial draft and for the final product. A sufficient and realistic amount of time should be provided between those dates for the circulation of drafts and the discussion and revision that will be inherent part of the process.

D. The Importance of a Final Review

Before the code is put into its final form for presentation to the school board for their consideration, it is critical that it receive a final review by appropriate officials of the school district and by the school district's legal counsel. This will ensure that it is consistent with both statewide educational policies and with the applicable law.

E. Adoption by the District Board of Education

In order to assure adequate public awareness of the process used to develop the code of conduct, and allow for consideration by board of education members, it is important to present the code at least one board meeting prior to a final vote and adoption action as board policy. For most boards of education such procedures are standard.

### 3. COMPONENTS OF A DISTRICT CODE OF CONDUCT

No one code of conduct can be expected to meet the needs of all school communities. Therefore, each community must develop rules that to some extent reflect its own values, concerns and needs. The following outline was designed to be used as a guide when drafting codes of conduct; however, it should not be construed as the only standard or format for organizing the document. The intended purpose of this outline was to offer a comprehensive view of the content that should be considered in developing codes of conduct.

This outline was designed to be useful in several forums devoted to the development of policies and procedures. Some of those forums, such as committees formed to draft codes of conduct, may use the outline to stimulate discussion on the needs of the community. The outline may be useful to the writer of the district code as a resource when organizing the document. Another application may be to use the outline to assess the strengths or weaknesses of an existing code of conduct and to determine areas that need to be revised.

#### **Introduction and Purpose**

- A. Provides support for developing and establishing codes of conduct which may include:
  - 1. Role of the school in educating students;
  - 2. Need for standards in discipline;
  - 3. Importance of respect for others; and
  - 4. Value in following rules to accomplish goals.
- B. Elaborate on the role of the school and how adherence to codes of conduct helps to provide an environment more conducive to learning.
  - 1. Reinforce what is found in the introduction.
  - 2. Establish a commitment to maintain and sustain high educational standards.
  - 3. Acknowledge influences which may be beyond the student's control yet prompt unacceptable behavior such as:
    - a. Student's developmental stage or level of maturity; and
    - b. Significant family issues, changes in environment or, health, etc.
  - 4. Justify the need for establishing rules and providing supportive school environments to enable students to learn despite negative external influences.

### **The Importance of Parental Involvement and Support**

- A. Identify and define what the district means by parental involvement.
  - 1. Parents provide the first institution for learning.
  - 2. Parents retain their role in influencing the behavior of their children.
  - 3. Parents are partners with the school in the education of their children.
- B. Describe how parental support can be an effective tool in reinforcing the codes of conduct.
  - 1. Establish an awareness of the school's standards for behavior.
  - 2. Explain that students and school staff function within the same criteria.
  - 3. Encourage parents to be involved in the education of their child.
- C. Offer hints which prompt parents support of helping their children adhere to the code.
  - 1. Suggest that parents read the document with or to their child.
  - 2. Discuss the content with their child.
  - 3. Ask questions of the district.
  - 4. Sign and return the appropriate form indicating that they are aware of the content.
  - 5. Remind parents of their responsibility to pay for acts of violence or vandalism committed by their child.

### **Student Responsibilities**

- A. Describe behavioral expectations that the school has for its students.
  - 1. Highlight the importance of accepting and demonstrating responsibility:
    - a. Academic (setting goals, meeting objectives, completing assignments, etc.), and
    - b. Conduct (self discipline, following school rules, mediating and resolving conflict, reporting acts of vandalism to someone in authority, etc.)
- B. Provide a detailed description or list of (what is ) acceptable and unacceptable behavior.

### **Student Rights**

- A. Describe the rights of students.
  - 1. To be provided with an education which allows the student to develop into a productive citizen.

2. To attend school in a safe environment.
3. Those listed under the First Amendment:
  - a. Individual speech;
  - b. Symbolic expression;
  - c. Assembly and petition;
  - d. Participate in extra-curricular activities;
  - e. School prayer;
  - f. Salute and Pledge of Allegiance;
  - g. Press; and
  - h. Personal appearance.
4. Equal opportunity under the Fourteenth Amendment.
5. Pupil records:
  - a. Parental access;
  - b. Confidentiality; and
  - c. Content.
6. No exclusion due to marriage, pregnancy and parenthood.
7. Due process.
8. Search and seizure.
9. To appeal disciplinary actions.

**B. Explain how districts uphold student rights:**

1. In various aspects of the school setting;
2. By citing legal references in the conduct document; and
3. By promoting an awareness among students and staff of their rights.

**Disciplinary Sanctions and Due Process**

**A. Describe the need for guidelines which address issues regarding specific behavior.**

1. Criteria which help to provide a structure for order in daily activities.
2. Rules in the event of unusual, undesirable or rare circumstances.

**B. Highlight the need for rules which govern:**

1. Specific components of a school day:
  - a. Attendance/absence;
  - b. Tardiness;

- c. Detention; and
    - d. In and out of school suspension.
  - 2. Specific locations in or related to the school:
    - a. Lunch room, hallways, study hall;
    - b. On the bus;
    - c. In the playground;
    - d. On field trips; and
    - e. During extra-curricular activities.
  - 3. Identified student populations:
    - a. Those with needs under Section 504 of the Rehabilitation Act of 1973 34 CFR 104, Subparts A, C and D;
    - b. Those with special education classifications; and
    - c. Those who have reached the age of majority (18 years and above).
  - 4. Common misconduct:
    - a. Inappropriate language;
    - b. Cheating and/or plagiarism;
    - c. Inappropriate display of affection;
    - d. Fighting and/or physical danger to others;
    - e. Smoking;
    - f. Unauthorized assembly;
    - g. Cutting class or leaving school grounds; and
    - h. Disruptive behavior or willful disobedience/insubordination.
  - 5. Serious circumstances:
    - a. Possession use, and distribution of illegal substances;
    - b. Truancy;
    - c. Acts of violence, vandalism or assault;
    - d. Possession of a weapon;
    - e. Obscene/indecent behavior;
    - f. Sexual harassment
    - g. Theft; and
    - h. Starting/causing fires or tampering with fire safety equipment.
- C. Provide a list of consequences for each infraction:
- 1. Name the infraction;
  - 2. Describe the penalty;



3. List all subsequent offenses for the same infraction by number (2nd offense, 3rd offense, etc.);
  4. Describe the respective penalty for recurring offenses; and
  5. Indicate if parental signature or conference is required.
- D. Describe the support services that are available:
1. Explain the benefits of utilizing support services.
  2. List and explain the role of the district's support services in disciplinary events:
    - a. Guidance;
    - b. Child study team;
    - c. Core Team and Pupil Assistance committees;
    - d. School nurse;
    - e. Substance Awareness Coordinator; and
    - f. Other student services staff.
- E. Special education considerations (see appendix B).
1. Individualized education program (IEP).
    - a. Current educational status and
    - b. Behavior management.
  2. Special education regulations:
    - a. Discipline;
    - b. Notice and
    - c. Reevaluation.

### **Positive Reinforcement for Good Conduct and Academic Success**

- A. Explain school's philosophy behind incentives.
1. Provide positive reinforcement of the code.
  2. Encourage students and staff to take pride in their school.
  3. Reward students for:
    - a. Successful academic performance;
    - b. Compliance with the codes of conduct;
    - c. Improvement in their conduct; and
    - d. Participation in curricula and athletic activities

B. Detail how students are acknowledged.

1. Purpose of the award.
2. Process to earn awards.
3. What forms are available:
  - a. Merit systems which award points to individuals or classes;
  - b. Written praise in the form of commendations or certificates;
  - c. Parties;
  - d. Festive activities;
  - e. Incentives/business and community events/discounts at local establishments; and
  - f. News releases.
4. When they are awarded:
  - a. Once a year;
  - b. Monthly;
  - c. At the end of the marking period; and
  - d. Annually.

\*(Note: Care should be used in constructing incentives for good conduct. There is a body of research that indicates rewards may actually have a negative effect on behavior over time if good behavior becomes dependent upon external factors rather than intrinsic motivation.)

#### **4. IMPLEMENTING THE DISTRICT CODE OF CONDUCT**

A caring community and guidance are what foster young people in their development. The implementation of a code of conduct should be presented as an action which supports a positive school structure and climate so that everyone may learn. It outlines expectations of conduct and offers the framework to guide punitive action when all else fails. The intent of the actions taken by parents, guardians, teachers and school staff in response to the code of conduct should be to promote positive attitudes about the school experience. Research has shown that it is these prosocial values which lead students to embrace decisions that result in positive growth and achievement.

In order for the code to serve the intended purpose, it must be implemented. The same local representative committee that drafted the code should be a fundamental part in effectively designing an action plan for implementation. This committee can provide the foundation from which the plan moves forward. Once the code is adopted by the district board of education, members of the committee, working closely with the school, need to be prepared to reach out to various parts of the school community. These activities could include: translating the codes into predominate languages of the community; distribution of the code document to students, parents, guardians and school staff; publicity and open discussion of the document; outlining individual and group responsibility for enforcing the code; and a commitment to review and update the code as necessary.

Ultimately, students and their families must be accountable for their behavior in the school environment. Therefore the department recommends that each parent be asked to read and sign an agreement supporting the defined obligations and indicating willingness to abide by the system of recognition and penalties which is outlined in the district's code of conduct. Districts may also consider having students sign that they have received the handbook.

##### **Distribution and Publicity**

The State Board of Education adopted a resolution in 1980 recommending that all districts distribute codes of conduct. The resolution specifically suggests that distribution be at no cost to pupils, staff, parents or guardians at least once every three years. It further states that they should be distributed to all new staff and pupils, and to parents or guardians of new students whenever they enter the school district. There are no limitations to the methods of distribution. Distribution may occur as a result of a district wide mailing or the document in whole or part could be distributed to students and integrated into classroom discussion materials. The department recommends incorporating the codes into a student handbook mailed annually to all parents. All students, staff and parents can access the code along with other relevant information about the school contained in one document.

Effective use of the media and methods of publicity will provide for wider readership of the adopted code of student conduct. Use the school district's standard channels of communication with the press. Don't forget to send copies of the code of conduct to local news media such as newspapers, radio and cable stations. Preparing a press release for use at the board of education

meeting at which the code of conduct is adopted is an important step in assuring that media coverage is accurate and treats the new code in a positive context. Remember to highlight and involve community members of the committee that developed the code in planning, dissemination and publicity. Publicizing the code of conduct provides an opportunity to focus on the common needs of local political and community leaders to impact on juvenile crime and promote positive youth development. The school may elicit the help of the PTO/PTA or local community resources holding special events organized for the sole purpose of discussing the codes. There parents, guardians and concerned citizens are able to comment, question and receive feedback from committee members and/or authors of the document.

### **Enforcing the Code: Everyone's Responsibility**

Districts should devise a systematic method through which students, parents/guardians, and teachers gain a full understanding of the reasons for the school code of conduct and how the rules contribute to the maintenance of an orderly learning environment.

Prior to the first day of classes or as early in the school year as time and scheduling permits, in-service education to all staff (teachers, custodians, food-service employees, clerical support, etc.) should be provided to review the code of conduct and the procedures for referral and discipline.

The responsibility for emphasizing the importance of the code of conduct lies with all members of the community, beginning with the committee that helped to develop the code, to the students for whom it is designed to guide. The committee should share in the responsibility to provide clarification of any components which members of the community say are unclear. Parents and guardians, too, need to be offered the opportunity to obtain clarification on any of the contents.

Since parents hold the primary responsibility to nurture and discipline their children, it is important to gain their support of the document. To ensure that parents and guardians obtain the document, develop a process whereby parents return a signed form to the school acknowledging having received, read or to the best of their ability are willing to endorse the document contents. (see samples in Appendix E).

The school has the largest responsibility in implementing the code in that it addresses issues that occur during the school day and at school functions. Therefore activities for teachers and staff should be designed to assure that they know and understand the content of the code and accept shared responsibility for enforcing the rules. It means working with students to facilitate their understanding of their responsibility in upholding the contents. Shared responsibility includes monitoring incidents to confirm that actions taken by all staff are consistent for each student with respect to specific events or are within the guidelines stated in the code. The roles of shared responsibility among guidance, child study teams, core teams, school nurses, substance awareness coordinators, etc. must be configured into the process as well.

Eliciting the help of pupil services support staff is essential help to students to reassess, obtain direction and sometimes gain a better understanding of the rules. Support services can intervene

to prevent a small yet manageable disruption from becoming a massive and unmanageable disciplinary problem.

In-school suspension is an excellent place to deliver student support services. These programs should be more than just a time-out room. The participants in this setting are a “captive audience” to inform and support in addition to monitoring classroom assignments. Some students who receive internal suspensions are not well-informed or connected to student services. Others have been offered these services many times and have not availed themselves of them. These programs can be infused with decision-making, substance awareness, anger management and other relevant information and skills building.

Parents may be the first to observe changes in behavior which often result in unacceptable conduct. These visible changes may be a reaction to developmental influences and may aggravate interpersonal relationships or related problems occurring in or outside of school. Such problems may threaten the learning environment, and support services should be available to offer counseling to students, teachers and parents to affect behaviors such as angry reactions with the potential to impact negatively on conduct.

Districts may want to make parents more aware of the availability of support services, encouraging them to observe changes in their child’s behavior, habits, circle of friends etc. and to bring it to the attention of support services staff. Pupil services participation in disciplinary procedures can offer the supportive framework which prevents the complications that may escalate as a result of inappropriate conduct. By taking responsibility for enforcing the code school staff help to maintain the learning environment that the document was designed to promote and ensure.

## **Review and Update**

Review of the document should be continuous, with updates and revisions considered annually. The local representative committee, school staff, students and parents should be encouraged to review the code and provide feedback regarding implementation problems such as consistency, fairness of the sanctions, etc., to assure that they are meeting the objectives of the code. It may be necessary to set aside time in the school year to review the policy after its effective date in order to consider revisions for the following year. There may be a need to examine areas that appear weak or falling short of their intended purpose. In such circumstances, consideration may be given to updating practices based on current research, or networking with neighboring districts to gain new perspectives. In regionally structured districts, communication with sending school districts may offer insight into the characteristics of specific communities. Such action may set the stage for collaboration among sending districts to devise a code which complements practices already in place in at the elementary or middle school and makes an effort to meet the needs of all the communities involved.



**APPENDIX A**

**LEGAL FRAMEWORKS**

**STUDENT RESPONSIBILITIES AND RIGHTS**





## **APPENDIX A LEGAL FRAMEWORK STUDENT RESPONSIBILITIES AND RIGHTS**

### **INTRODUCTION**

In developing codes of student conduct, the legal responsibilities and rights of students must be taken into account. These are governed by an intricate web of laws reflecting the multiple roles played by young people in the schools and community and recognizing that:

- a student is a citizen of the United States, entitled to rights including due process, equal protection of the laws and free speech and expression;
- a student is a resident of the State of New Jersey, entitled to additional rights including the right to a thorough and efficient free public education;
- a student is generally a member of a family, in most cases still a minor and therefore subject to the control of parents who have a general right under the law to direct the upbringing of their children; and
- a student is a member of the school community, entitled to all privileges and subject to all restrictions attendant to that status.

To fulfill their primary obligation to educate young people to assume the responsibilities of adult life, schools are given general power to make reasonable rules in order to promote an atmosphere where effective learning can take place, and to discipline students in a reasonable manner when such rules are violated. The school is said to act “in loco parentis,” that is in place of the parent, with respect to supervision of the student’s education and conduct while in school. This authority extends to at-school functions, school-sponsored activities outside of school and travel to and from school.

In the area of student behavior, conflicts often arise from the interplay within the school setting of the differing roles of students. For example, incidents may arise that directly pit the student’s First Amendment rights against the right and duty of the school to maintain the order and discipline necessary to an effective learning environment. Parents and school personnel may disagree on the contents of a student’s pupil record, on the question of whether a student is appropriately attired for school, or on the reasonableness of a punishment imposed for a particular infraction. Other issues arise out of relationships with, and legal obligations to, law enforcement, health and social service agencies, which also have responsibility for the care and conduct of young people.

School personnel should be aware that a substantial body of state and federal law addresses the rights and responsibilities of students, parents and schools with respect to student conduct, and that this law is in a state of continual flux. It is therefore imperative that, in drafting codes of student conduct, school officials consult with their board attorneys who should carefully consider

the latest applicable law as well as state and local educational policy objectives. The following section is intended to serve as general introduction for laymen, and citations given are intended to be representative rather than comprehensive.

### Sources of School Law

There several kinds of law that are relevant to student responsibilities and rights.

Constitution defines the basic structure of government and establish certain rights to be enjoyed by all citizens. It is broadly worded because it is intended to apply to changing circumstances over a long period of time. Courts interpret the constitution in light of new problems and situations that arise over the years.

Statutes are laws enacted by Congress or the State Legislature to apply to particular areas of concern. State statutes deal with particular functions of state government. For example, each state has statute that prescribes how the public schools of that state will be operated. In New Jersey, the statutes relating to education are contained primarily in Title 18A of the New Jersey Statutes (N.J.S.A.), although sporadic enactments throughout other volumes of statute may have impact on, or application to, public schools and students.

Court cases represent judicial determinations on disputes between specific parties. In making such determinations, courts also establish certain rules, called “precedents,” that will be followed when similar cases arise in the future. Where there is a conflict between federal and state law, federal law will control. However, in circumstances where state law provides more specificity on a subject than federal law, the provisions of state law will apply so long as they do not conflict with federal law. The United States Supreme Court may review and reverse the decision of the highest court in the state where an issue of federal law is involved.

Court cases are referenced by “citations” which indicate the parties’ names, the court which decided the matter, when the case was decided and where the case can be found in law reference books. For example, Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969) is a U.S. Supreme Court case decided in 1969 and found in volume 393 of the U.S. Supreme Court Reports beginning at page 503.

Administrative code is the regulations made by executive agencies in order to implement statutory directives. In New Jersey, administrative code is divided into a series of titles corresponding to the executive department of state government that makes and is responsible for the rules and regulations contained in that title. Rules and regulations governing education are found in Title 6 of the New Jersey Administrative Code (N.J.A.C.).

Commissioner and State Board of Education decisions are another major source of school law in New Jersey. In addition to rulemaking, administrative agencies may hold hearings and render decisions on disputes involving matters within their jurisdiction, in accord with applicable state and federal law, including court and prior administrative decisions. In New Jersey, the Commissioner of Education has quasi-judicial authority to hear and decide controversies and

disputes arising under state school statutes and regulations, while the State Board of Education is empowered to hear and decide appeals from decisions of the Commissioner.

Like court cases, these are identified by “citations” which give the parties’ names, the year of the decision, and the location of the case in either the bound volumes of School Law Decisions (until 1991) or the New Jersey Administrative Reports (1992 and after). For example, Wermuth v. Board of Education of Livingston, 1965 S.L.D. 478 is found at page 478 of the 1965 School Law Decisions; post-1991 citations identify the year, agency and page where the case can be found in the appropriate edition of the Administrative Reports, e.g., 95 N.J.A.R.2d (EDU) 9.

### **Student Responsibilities**

In order to benefit from the public education provided to them by law, students are inherently required to recognize and accept responsibility in a number of areas:

#### 1. Attendance

Regular attendance at school is a fundamental responsibility of students. Parents and school officials are obliged to see that school-age students actually attend school. The compulsory education laws (N.J.S.A. 18A:38-25 et seq.) hold the parent or guardian of children between the ages of 6 and 16 responsible for their regular school attendance, while school officials are responsible for monitoring such attendance and invoking truancy procedures when necessary. While the compulsory education statutes require school attendance until age 16, as a practical matter, students may not withdraw from school without parental permission until they have reached the age of majority (18) or have been declared emancipated minors.

Tardiness, cutting, and excessive or unexcused absenteeism not rising to the level of truancy are also serious matters which, while not resulting in court sanctions against parents, will be a cause for student discipline or other modes of intervention as a matter of school policy.

#### 2. Application to Studies

Under N.J.S.A. 18A:37-1, students are expected to apply themselves to the tasks set out for them by the schools. These include striving to attain established goals and objectives, completing assignments, and contributing to the classroom and school environment.

#### 3. Appropriate Conduct

Also under N.J.S.A. 18A:37-1 et seq., students are responsible for following school rules and generally behaving in a manner consistent with maintenance of a positive learning environment. Students are expected to submit to the authority of

teachers and other officials, exercise an appropriate degree of self-discipline in their words and actions, resolve conflicts in a constructive manner, respect the persons and property of fellow students and the school, comport themselves with honesty, and report violence, vandalism and other improper or unlawful activity to a person in authority. While recognizing that they have certain rights, students must also accept that such rights carry with them attendant responsibilities. For example, freedom of speech is balanced by a concomitant responsibility for statements made; the right to transportation is contingent on good behavior while on the bus.

### **Student Rights**

Under the law, students have two distinct kinds of rights:

Procedural rights refer to the particular procedures or steps that must be followed before certain actions can be taken against a student. In general, the due process clause of the Fourteenth Amendment to the United States Constitution requires that before any person can be deprived of an important right or punished for having violated any rule or law, he or she must be given notice of what is about to happen and an opportunity to be heard in a fairly conducted proceeding.

Substantive rights refer to specific types of conduct or behavior in which students have a right to engage. They also define what students have a right to be free from. For example, students have a substantive right to free speech and free expression, and to be free from discrimination based on race, gender, religion, or ethnic origin.

Some specific rights enjoyed by New Jersey students are:

#### 1. The Right to a Public Education

N.J.S.A. 18A:38-1 guarantees every resident between the ages of five and twenty the right to attend without charge the public schools of the district where the parent or guardian is domiciled, unless the student is to be excluded from school for a reason explicitly provided by law. Article VIII, Section 4 of the State Constitution requires provision of a “thorough and efficient” system of education, which the Legislature has defined in N.J.S.A. 18A:7A-1 et seq. as one which enables students to function politically, economically and socially in a democratic society. Such a system is required not only to provide for regular classroom instruction, but also appropriate facilities, programs and support instruction, but also appropriate facilities, programs and support services for students, state and local goals and objectives, State monitoring of local compliance, and mechanisms for public involvement.

## 2. The Right to Attend School in a Safe Environment

A number of laws are designed to ensure a safe environment for learning in the public schools. These include laws establishing health and safety standards for school facilities and equipment, laws requiring criminal history background checks for new school employees, laws prohibiting corporal punishment and various types of harassment, and laws addressing child abuse, substance abuse and weapons in the school setting. Some of these laws are discussed more fully below as they pertain to student conduct.

## 3. First Amendment Rights

Free Speech. Students are guaranteed the right under the First Amendment to the U.S. Constitution to free speech and expression; however, this right is not absolute. For example, no one has a right to engage in speech or expression that creates a clear and present danger of bringing about evils the government has a right to prevent, for example, causing a panic by falsely shouting "Fire!" in a crowded theater. Schenck v. United States, 249 U.S. 47 (1919); Chaplinsky v. New Hampshire, 315 U.S. 568 (1962). In applying the right of free speech to the school setting, the courts have stated that students do not shed their constitutional rights at the schoolhouse gate and that they cannot be prevented from expressing views merely because they are unpopular, controversial or upsetting to other students. These rulings have permitted school officials to place limitations on students' rights to free speech and other forms of symbolic expression (such as the wearing of armbands) only where such limitations are necessary to prevent a material and substantial disruption to the order and discipline of the school environment. Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969); Melton v. Young, 465 F.2d 1332 (6th Cir. 1972) cert. den. 411 U.S. 951 (1973); Hill v. Lewis, 323 F. Supp. 55 (E.D.N.C. 1971).

Subject to these limitations, students have the right to freely engage in individual speech on any subject from international issues to school policies, and to engage in symbolic expression such as wearing or display of armbands, buttons, decals, flags and other badges. However, the school may reasonably regulate the time, place, manner and duration of such speech, so long as it does not do so for the purpose of censoring ideas or stifling expression. School officials can punish speech that is accompanied by disruptive physical conduct. Grayned v. City of Rockford, 408 U.S. 104 (1972); Sullivan v. School District, 307 F. Supp. 1328 (S.D. Tex. 1969); Shanley v. Northeast Independent School District, 462 F.2d 960 (5th Cir. 1972).

Clubs and Associations. Students have a constitutional right to organize and join groups to pursue common interests and purposes. In the past, such groups have taken the form of clubs, fraternities, sororities or secret societies. Most courts are in agreement that student clubs and associations may be prohibited where they

materially disrupt the orderly operation of the school. The school's obligation to protect the interests of all its students and to prevent discrimination against any student on the basis of race, religion, sex or ethnicity can outweigh students' association interest in forming and joining clubs that are secret or discriminatory. Passel v. Fort Worth Ind. School District, 433 S.W. 2d 888 (D.C. Tex. 1970), cert. den. 402, 968 (1971), reh. den. 402 U.S. 941; Robinson v. Sacramento City Unified School District, 245 Cal. App. 2d 278, 53 Cal. Rptr. 781 (1966). In New Jersey, fraternities, sororities and secret societies are prohibited in the public schools by N.J.S.A. 18A:42-5 and 18A:42-6.

Assembly and Petition. Students also have the right to assemble peacefully and to circulate petitions, again with the understanding that the orderliness and discipline of the school setting must be respected. While such activities cannot be totally prohibited unless they are found to be materially disruptive, school officials can reasonably regulate the time and place of such activities. Brown v. Louisiana, 383 U.S. 131 (1966); Tate v. Board of Education of the Jonesboro Special School District, 453 F.2d 975 (8th Cir. 1972); Dunn v. Tyler Independent School District, 460 F.2d 137 (5th Cir. 1972); Gebert v. Hoffman, 336 F. Supp. 694 (E.D. Pa. 1972).

Flag Salute and Pledge of Allegiance. The U.S. Supreme Court has held that no student can be compelled to salute and pledge allegiance to the American flag. N.J.S.A. 18A:36-3 requires that all schools conduct a pledge of allegiance and flag salute exercise at the beginning of each school day, but, consistent with the Court's directive, exempts from such exercise any student who has "conscientious scruples" against the exercise. Such students cannot be made to stand while the pledge is being given by others. Holden v. Board of Education of the City of Elizabeth, 46 N.J. 281, 216 A.2d 387 (1966); Lipp v. Morris, 579 F.2d 834 (3d Cir. 1978).

School Prayer. The U.S. Supreme Court has held that state officials cannot compose an official state prayer and require its recitation in the public schools. Similarly, prayers, Bible readings and religious exercises cannot be prescribed by law or policy even where the prayer is nondenominational, participation is voluntary and students can be excused from attending. Arbington School District v. Schempp, 374 U.S. 203 (1963); Engle v. Vitale, 370 U.S. 421 (1962). A New Jersey statute (N.J.S.A. 18A:36-4) permitting students to participate in a one-minute period of voluntary silence has been struck down by the courts as unconstitutional. May v. Cooperman, 572 F. Supp. 1561 (D.C. N.J. 1983). On the question of prayer at graduation and other ceremonies, boards are advised to consult with their attorneys, as this is an area of law that continues to evolve. At present, however, the controlling view remains that ceremonial prayer at any school-sponsored event is effectively prohibited. Lee v. Weisman, 112 S. Ct. 2649 (1992); Clever v. Cherry Hill Tp. Board of Education, 838 F. Supp. 929 (1993); ACLU v. Blackhorse Pike Regional Board of Education, Third Circuit

Court of Appeals, 1993 Voluntary, individual prayer, however, must be permitted, as must reasonable accommodation of religious observations and practices. Niederhuber v. Camden County Vocational and Technical School, 495 F. Supp. 273 (D.N.J. 1980, aff'd 671 F.2d 496 3rd Cir. 1981); Wisconsin v. Yoder, 406 U.S. 205 (1972) (As this manual goes to press, the federal government has announced plans for publication of guidelines to aid public schools in dealing with this complex and volatile issue.)

Press. Preparation, publication and distribution of newspapers, magazines and other literature is an exercise of freedom of the press. Student literature has constitutional protection regardless of its authorship. Schools do not have a general right to control the content of student publications. A publication cannot be banned because it criticizes school officials or policies, even if the school sponsors and pays for the publication. School authorities may reasonably control the time, place and manner of distribution of literature on school premises to maintain order and safety, but they cannot do so for purpose of censoring the content of the literature. Such content cannot be censored unless it would create a substantial threat of disruption, or its publication would thwart a compelling state interest which is both narrowly drawn and defined in school policy. Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988); Desilets v. Clearview Regional Board of Education, 647 A.2d 150 (N.J. 1994)

School officials cannot restrict circulation on school property of literature prepared under school sponsorship and supervision. Students have a right to distribute publications next to school property subject to the same rules as apply to other citizens (i.e., they cannot block pedestrian traffic or entrances to buildings). Burke v. Board of Education of the Town of Livingston, 1970 S.L.D. 319. N.J.S.A. 18A:42-4 prohibits distribution through students of partisan political literature supporting or opposing candidates or public questions in any general, municipal or school election.

Obscenity is not protected speech, and obscene published matter may be banned by the school. Obscenity, however, does not simply mean vulgar or crude language. U.S. Supreme Court decisions define obscenity in terms of literature about sex that appeals to shameful or prurient interests, patently offends community standards and that taken as a whole lacks serious literary, artistic, political or scientific value. Miller v. California, 413 U.S. 15 (1973); Ginsburg v. New York, 390 U.S. 629 (1968); Bethel School District v. Fraser, 478 U.S. 675 (1986) Neither does the First Amendment protect libelous material. Libelous material is false information about a person that is damaging to that person's personal or professional reputation. Publication of libelous material may result in a lawsuit by the person who has been libeled.

Personal Appearance. The U.S. Supreme Court has not addressed the question of whether students have a constitutional right to determine their own appearance.

Lower courts are not in complete agreement on the question, but generally appear to hold the view that local school boards have the power to adopt reasonable rules and regulations pertaining to student appearance to protect safety and health and to maintain order and discipline, but not to create uniformity of appearance, regulate task or limit fashions of which policymakers may disapprove. Zeller v. Donagel School Board of Education, 517 F.2d 600 (3d Cir. 1975); Cuci v. Board of Education of the Township of Hammonton, 1980 S.L.D. 80. As a practical matter, any guidelines for student dress and appearance should reflect the cultures and customs of the community and the needs of students and their parents. Harris v. Board of Education of the Township of Teaneck, 1970 S.L.D. 311. Also, boards must be mindful of regulations that might act to infringe on rights associated with freedom of symbolic speech (e.g., wearing of badges) as discussed above.

#### 4. Protection from Discrimination or Harassment

Under the Fourteenth Amendment to the U.S. Constitution, every student has the right not to be discriminated against on the basis of race, sex, religious or ethnic background in relation to any school matter, whether academic, extracurricular or disciplinary ("equal protection"). Brown v. Board of Education, 347 U.S. 483 (1954). Racial segregation has been specifically prohibited by the Article I, Section 5 of the New Jersey Constitution since 1947. Federal law also prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance. 20 U.S.C. 1681. Over and above federal requirements, New Jersey law specifically prohibits discrimination in the public schools on the basis of race, color, creed, sex or national origin. N.J.S.A. 18A:36-20; N.J.A.C. 6:4-1.1. et seq.

#### 5. Pupil records (parental access, confidentiality, content)

Every school system must collect and maintain a system of records on the students enrolled in its schools. A student's school record generally contains information about the student's academic and personal progress as he or she moves through the school system. Federal requirements regarding student records are found in the Federal Education Rights and Privacy Act (FERPA), 20 U.S.C. 1232g (also known as "the Buckley Amendment"). These are incorporated into New Jersey regulations governing pupil records, found at N.J.A.C. 6:3-6.1 et seq.

Three major issues arise in conjunction with pupil records:

Access. Parents have primary access rights to pupil records. A record may be withheld from a parent, including a natural parent not having legal custody of the child, only with a specific court order revoking the right to such access or terminating parental educational rights. A student may see his or her record only with parental consent except in case of emergency. Upon reaching the age of 18,



or upon being declared an emancipated minor, primary access rights fall to the pupil. Where the student is over 18 but still financially dependent or declared legally incompetent, parents retain access rights. Students reaching the age of 16 and graduating or leaving school may have access to records without parental consent. N.J.A.C. 6:3-6.5, 6.6, 6.1, 6.2 (Note: Report cards are not pupil records; therefore, they may be withheld by the district for disciplinary or other reasons, so long as lawful access to the actual pupil record, containing the district's record of classes taken and grades received, is not denied.)

In general, parents have the right to see, take notes on and make copies of all school records. However, notes made by school staff, including teachers, as memory aids or for personal use are not considered part of the pupil record unless used by other school personnel. N.J.A.C. 6:3-6.5, 6.1

Parent requests to view pupil records must be granted within 10 days of such request, and a school employee must be present while the record is being reviewed. Districts may charge a reasonable fee for copying records, provided that such fee does not prevent parents from exercising their right of access. N.J.A.C. 6:3-6.2, 6.5

Confidentiality. As a general rule, no one may access a pupil's school record without permission of the parent or adult pupil. Exceptions to this rule permit certain individuals and agencies, such as certified school personnel, accrediting organizations, State Department of Education staff, state protective services agencies and law enforcement agencies, to see the records in order to perform functions related to the health or educational interests of the student. Bona fide researchers may have strict conditions of anonymity and confidentiality. N.J.A.C. 6:3-6.5, P.L. 1994, c. 56, N.J.A.C. 6:9-1.1 et seq., N.J.A.C. 6:10-1.1 et seq.

Content. By law, only certain information can be kept in a student's school record. Some information is required to be kept, such as the student's address, age, sex, citizenship and information such as attendance records, report cards and medical records. Other information is permitted but not required to be maintained. Examples of these are teacher observations about the results of standardized tests. Finally, the law forbids recording of information pertaining to matters such as a student's political or religious affiliations or indications of illegitimacy. N.J.A.C. 6:3-6.3

The law permits parents to challenge, and if necessary correct or remove, any information in a student's record that is improper, inaccurate or incomplete. Requests for such challenges should be made to the school in writing. In the event that an agreement cannot be reached on what should be in the record, parents may appeal within 10 days to the local board of education or to the Office of Administrative Law. If appeal is taken to the local board, it must reach a

decision within 20 days, after which appeal can still be taken to the Commissioner. N.J.A.C. 6:3-6.7

In addition, information about juvenile delinquency, which may be shared with school principals, and thereafter with other staff on a limited basis, is governed by the provisions of N.J.S.A. 2A:4A-60.

6. No exclusion due to marriage, pregnancy or parenthood

Minors under the age of 16 are permitted to marry with parental and court consent, minors between the ages of 16 and 18 may marry with parental consent, and persons over 18 may marry without external consent of any kind. Therefore, there will be instances of married students in the public schools.

Neither marriage nor pregnancy is an express exception to state compulsory education requirements, and courts have generally held that students cannot be excluded from the regular school program or extracurricular activities on the basis of marriage, pregnancy or parenthood; while alternative programs may be offered, they must be comparable to regular programming and cannot be forced upon the student. 20 U.S.C. 1681. Similarly, federal regulations have prohibited such exclusion. 45 C.F.R. 86, 40. Schools may require pregnant students to submit doctors' certificates attesting to their ability to participate in particular programs, such as physical education, so long as other students with physical conditions which may bear upon their ability to participate are also similarly required. N.J.A.C. 6:4-1.5.

7. Due Process

The Fourteenth Amendment to the U.S. Constitution guarantees that no person may be deprived of life, liberty or property without due process of law, i.e., without certain procedural steps to ensure that any such deprivation is fair. The main elements of due process are notice, an opportunity to be heard and an impartial hearing.

In the school setting, due process means that school officials cannot impose serious disciplinary sanctions such as suspension or expulsion without first following those procedures that afford the student an opportunity to present his or her side of the story. The extent of formality required of such procedures will depend on the circumstances and the severity of the sanctions that may be imposed.

Due process also means that the state must have a valid objective in depriving a citizen of something important, and that the deprivation must be reasonably designed to further that objective. In the school setting, this means that any sanction imposed must be reasonable, i.e., in proportion to the violation

committed and consistent with the school's disciplinary objectives of maintaining a safe and orderly environment for learning.

Suspensions, Expulsions, and Removal. The right to attend is conditioned on the conduct of the student, who may be excluded from the schools of his or her district for disciplinary reasons on either a temporary (suspension, removal) or permanent (expulsion) basis. Under N.J.S.A. 18A:37-2, students can be suspended or expelled for continued and willful disobedience or defiance of authority, for conduct which constitutes a continuing danger to the well-being of other students, for habitual use of profanity or obscene language, for vandalism of school property, for physical assault or robbery of other students, for inciting or participating in demonstrations involving unauthorized occupancy of school buildings, and for illegal possession or consumption of alcoholic beverages or controlled dangerous substances. Under Chapter 127 and 128 of 1995, students must be removed from the regular education program and assigned to an alternative education program for specific weapons offenses (see Appendix B).

Students can also be suspended for causes not specifically listed in statute but found in school policy and for conduct after school or away from school grounds where such conduct is detrimental to school safety, discipline or property. Babbitt v. Moran, 1974 S.L.D. 1145; R.R. v. Board of Education of Shore Regional High School, 109 N.J. Super. 337, 263 A2d 180 (1970); Palmyra Board of Education v. Hanson, 56 N.J. Super. 567, 153 A.2d 393 (1959).

A suspension or expulsion is a serious matter that can affect a student's standing in school as well as his or her long-term opportunities. Therefore, the law provides that certain procedures must be followed before a student can be deprived of the right to attend school.

There are two kinds of suspension, each with its own procedural requirements. A short-term suspension is usually defined as a suspension for 10 days or less, while a long-term suspension involves more than 10 days. Because property and liberty interests are involved in even a short-term suspension, the U.S. Supreme Court has held that a student is entitled to due process to guard against the possibility of mistaken findings of misconduct and arbitrary exclusion from school. Specifically, the student is to be given "oral or written notice of the charges against him, and if he denies them, an explanation of the evidence that the authorities have, and an opportunity to explain his side of the story." However, the court did not require a right to secure counsel, confront and cross-examine witnesses or call their own witnesses to verify their version of the incident. The court also recognized that situations will arise where prior notice and hearing cannot take place in connection with a short suspension. It held that where a student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, that student may be immediately

removed from school with the required notice and form of hearing to follow as soon as possible thereafter. Goss v. Lopez, 41 U.S. 565 (1975).

The U.S. Supreme Court addressed the issue of suspension for pupils with disabilities by modifying the "stay put" provision of the Individual with Disabilities Education Act (IDEA). The "stay put" provision prohibits state or local school authorities from unilaterally excluding disabled children from the classroom for dangerous or disruptive conduct growing out of their disabilities during the pendency of review proceedings. In Honig v. Doe, 108 S. Ct. 592 (1988), the U.S. Supreme Court asserted that the "stay put" provision was not intended to "leave educators hamstrung." Therefore, the Court determined that school officials may temporarily suspend a pupil with disabilities for up to 10 school days without violating the intent of the IDEA. The Court further determined that school officials may seek injunctive relief to remove dangerous and disruptive pupils beyond 10 school days. In New Jersey, the district may seek emergency relief through the Office of Administrative Law (OAL).

Amendments to the Special Education Code. The amendments regarding circumstances under which students can be removed from regular education classes were adopted by the State Board of Education on November 1, 1995 and became effective December 4, 1995. Under N.J.A.C. 6:28-2.8, the revised code eliminates the requirement for evaluation by the child study team of regular education students prior to expulsion. Even if a classified student's behavior was primarily caused by a disability, the student may be disciplined and may have his or her placement changed. The amendments clarify existing state regulations and are consistent with current federal regulations. It is anticipated that the regulations will provide districts with greater flexibility in addressing disciplinary issues.

It should be noted that these due process procedures are not required in the case of all disciplinary sanctions. Brief in-school punishments such as reprimand, admonition, restriction to classroom or detention are not considered sufficiently serious to implicate due process protections. Linwood v. Board of Education, 463 F.2d 763 (7th Cir.) cert. den., 409 U.S. 1027 (1972)

The U.S. Supreme Court determined that more formal procedures would likely be required for expulsions or suspensions of more than 10 school days. In fact, New Jersey courts have established such requirements, including a written notice containing a statement of the specific charges which would warrant suspension or expulsion and the grounds upon which they are based, a list of witnesses against the student and an oral or written report on the facts to which the witness(es) will testify, an opportunity for the student to present his or her own defense and to produce either oral testimony or written affidavits in support thereof, the right to confront and cross-examine witnesses, a right to inspect the results and findings of the hearing if the hearing is not before the board of education, and the right to

secure an attorney if desired. Tanya Tibbs et al. v. Board of Education of the Township of Franklin, 114 N.J. Super. 287, 286 A.2d (A.D. 1971), aff'd 284 A.2d 179, 59 N.J. 506 (1971); R.R. v. Board of Education of Short Regional High School District 109 N.J. Super. 237, 263 A.2d 180 (Ch. Div. 1970). Moreover, a full hearing must take place within 21 days of the suspension. Graham v. Board of Education of Ocean, 1982 S.L.D. 810.

Reporting of Suspensions. When a student is suspended from school, certain procedures must be followed. Under N.J.S.A. 18A:37-4, the suspending principal must immediately report the suspension to the superintendent, who is then required to report it to the board of education at its next regular meeting. Under N.J.S.A. 18A:37-5, no suspension may be continued beyond the board's second regular meeting, unless the board itself so determines; at that meeting, the board may end or continue the suspension, or vote to expel the student. The hearing on a student's suspension may be delegated by the board to a board committee or to school administrators for the purpose of determining facts or making recommendations, however, the board as a whole must receive and consider either a transcript or detailed report on such hearing before taking final action. E.H. v. Board of Education of City of Trenton, 1972 S.L.D. 475.

Appeals. A student has a right to appeal any decision suspending him or her from school, initially to the district superintendent and then to the board of education. Thereafter, appeal may be taken to the Commissioner of Education under N.J.S.A. 18A:6-9 and N.J.A.C. 6:24-1.1 *et seq.*, and the Commissioner's decision may in turn be appealed to the State Board of Education followed by the courts.

Other Sanctions. In various cases, the Commissioner of Education has upheld measures such as denial of participation in extracurricular activities, school functions, sports or graduation exercises as disciplinary sanctions, where such measures are reasonable and designed to maintain the order and integrity of the school environment. A student's entitlement to a thorough and efficient education does not extend to these areas, from which a student may be excluded for reasonable cause. E.E. v. Board of Education of the Township of Ocean, 1971 S.L.D. 97, Rovere v. Board of Education of the Ridgefield Park, 1973 S.L.D. 97; E.S.B. v. Lon Rankin et al., Commissioner decision July 30, 1982; A.B. v. Board of Education of the Township of Freehold, Commissioner decision July 15, 1986. Note, however, that attendance at the graduation ceremony is not the same as denial of a diploma, which cannot be imposed as a disciplinary sanction if the student has otherwise earned it. Similarly, withholding a report card, which is permissible, may not be equated with denial of lawful access to pupil records, which is not permissible.

## 8. Search and Seizure

The Fourth Amendment to the U.S. Constitution prohibits unreasonable searches and seizures of person or property and in general requires issuance of a warrant before such searches can be undertake. Recognizing the need to balance students' legitimate expectation of privacy with the school's equally legitimate need to maintain a safe and orderly environment, the courts in applying the Fourth Amendment have held that some of the restrictions which normally apply to searches by public officials may be eased in the school setting. For example, school officials need not obtain a warrant prior to conducting a search, nor must they have probable cause to believe that the student has violated or is violating the law. The U.S. Supreme Court has held that such searches are proper when they are reasonable under the circumstances, that is, when they are justified at their inception (i.e., there are reasonable grounds for suspecting the search will turn up evidence of violation of law or rule) and when the search as conducted is reasonably related in scope to the circumstances that justified it, and is not excessively intrusive in light of the student's age and sex and of the nature of the suspected infraction. New Jersey v. T.L.O., 469 U.S. 325 (1985) In the instance of athletes, however, compelling public interest in curbing drug abuse and diminished expectations of privacy, coupled with the negligible invasion involved, random urinalysis is permissible. Vernonia School District v. Acton (S.Ct.), No. 94-590 (June 26, 1995)

With regard to lockers, desks and other school property provided for storage of school supplies -- a question not addressed by the U.S. Supreme Court, which dealt with searches of person and personal property -- New Jersey law (N.J.S.A. 18A:36-19.2) provides that lockers or other storage facilities may be searched on reasonable grounds and periodically inspected, provided that students are informed in writing at the beginning of the school year that such inspections may occur, so as not to create an expectation of privacy.

## 9. Appeal of Disciplinary Actions

The right to appeal disciplinary actions and determinations in other types of disputes is a fundamental one (see Due Process above). In view of this, districts should develop clear, flexible and graduated grievance and appeal procedures so that students may be afforded an appropriate degree of due process without routinely needing to resort to formal hearings or legal proceedings.

## **ADDITIONAL CONSIDERATIONS**

No Exclusion Due to "Push Out." It is a violation of a student's right to a free public education (available up to the age of 20) for school officials to request, persuade or force a student to leave school after the age of compulsory attendance (16) because of poor attendance, behavior or performance. The "thorough and efficient" law requires identification of, and provision of

remediation for, students having difficulty, and no district may act to effectively expel a student without following the due process procedures mandated by law. (See law under Right to Public Education above.)

Lowering of Grades and Denial of Credit. In New Jersey, lowering of grades and denial of course credit as disciplinary sanctions are treated differently from one another. In various Commissioner and State Board decisions, it has been held that grades cannot be lowered as a result of work missed while a student is suspended, and a suspended student must be given an opportunity to make up any such missed work. On the other hand, based on the student's lack of attendance, denial of credit for an entire course has been permitted in instances where a student is excluded from class as a disciplinary sanction or as a result of cutting or excessive absenteeism. In cases where such denial is proposed, the student must be given an opportunity to review his or her attendance record and be heard as to why credit should not be withheld. (See, for example, Wermuth v. Board of Education of Livingston, 1965 S.L.D. 121; Haddad v. Board of Education of Cranford, 1968 S.L.D. 98; Minorics v. Board of Education of Phillipsburg, 1972 S.L.D. 86; Wheatley v. Board of Education of Burlington, 1974 S.L.D. 851, Wetherell v. Board of Education of Burlington Township, S.L.D. 794; L.P. v. Board of Education of Jackson, 1980 S.L.D. 1065.

Corporal Punishment. The states have power to forbid corporal punishment, and New Jersey law (N.J.S.A. 18A:6-1) provides that school staff may not inflict corporal punishment or cause it to be inflicted, unless reasonable and necessary force must be used to quell disturbances threatening physical injury to others, to obtain possession of weapons or other dangerous objects, in self defense or for the protection of persons or property.

Behavior Outside School. School officials' authority to discipline clearly extends to field trips, and to school-sponsored activities both on- and off-site. School officials do not generally have authority over, or responsibility for, student misbehavior off school grounds when not attending school-sponsored events or after school hours. However, under N.J.S.A. 18A:25-2, they do have the authority to impose school-based punishments (e.g., detention, suspension or expulsion) for such conduct when they find it to be detrimental to safety of students and staff, discipline or property. Board of Education of Palmyra v. Hansen, 56 N.J. Super. 567, 153 A.2d 393 (1959); R.R. v. Board of Education of Shore Regional High School District, 109 N.J. Super. 337, 263 A.2d 180 (1970); F.G. v. Hamilton Township Board of Education, 1982 S.L.D. 382

Over 18. Upon reaching the age of legal majority, students attain certain essential rights of an adult citizen, such as voting, marrying without parental consent, entering into binding contracts, consenting to medical procedures, and access to pupil records. N.J.S.A. 9:17B. School policies should take into account, and students should be informed of, any changes in school-related rights and responsibilities that occur as a result of reaching age 18. However, students should also be made aware that they are still expected to conform to school behavioral norms and abide by school rules notwithstanding their adult status.

Transportation. As indicated above, pupils are entitled to transportation to and from school when they live remote from school under N.J.S.A. 18A:39-1, that entitlement is expressly contingent

on proper conduct under N.J.S.A. 18A:25-2. Thus, a child may be excluded for disciplinary reasons from transportation to which he or she is otherwise entitled, and the parents then become responsible for bringing the child to and from school.

Playground, Lunchroom, Study Hall, Hallways. Students are expected to display appropriate behavior here as in the classroom. Reasonable rules should be established, taking account of the unique characteristics of each situation and location, making it clear that the authority of school officials, and the expectation of good conduct, extends to these areas.

Extracurricular Activities. As indicated above, students do not have an automatic entitlement to such activities as part of their right to a thorough and efficient education, and they may be accordingly excluded from such activities for disciplinary reasons so long as the penalty is a reasonable one under the circumstances.

Accommodation of Religion. Under the same lines of case law discussed above under school prayer and freedom of speech, while schools may do nothing to encourage the practice of religion, neither may they establish policies or procedures hostile to religion, and they must make reasonable accommodation of the needs and desires of individual students in this regard (e.g., early release to attend religious instruction, excused absence to observe religious holiday, etc.). In addition, to the extent that the school permits voluntary student-organized activities, no such activity may be prevented solely because it is religious in nature.

Smoking. Under N.J.S.A. 26:3D-15 et seq., smoking is absolutely prohibited within school buildings, except as part of classroom instruction or a theatrical production, and boards of education are specifically directed to make and enforce regulations to this effect. In addition, under N.J.S.A. 2A:170-51, persons under age 18 cannot legally purchase tobacco products.

Illegal Substances. The Legislature has enacted a comprehensive scheme addressing student use of drugs, alcohol and other illegal substances, calling for involvement of educational, medical, social services and law enforcement agencies. School officials, parents and students should be well acquainted with N.J.S.A. 18A:40A-1 et seq. and N.J.S.A. 2C:35-1 et seq., as well as with implementing regulations, N.J.A.C. 6:29-6.1 et seq. (Substance Abuse) and N.J.A.C. 6:29-10.1 et seq. (Safe and Drug Free Schools). With regard to drug testing, prevailing search and seizure law as set forth above has generally applied (i.e., no search without reasonable grounds); however, as indicated, a recent U.S. Supreme Court ruling has upheld random drug testing for school athletes.

Violence/Vandalism/Weapons. The laws of New Jersey require school personnel to maintain order, discipline and safety in the schools. Thus, school officials have the right to prevent disorderly conduct, and students are required to submit to the school's authority. Under N.J.S.A. 18A:37-2, students are liable for punishment and for suspension or expulsion for physical assault upon another pupil. In addition, under N.J.S.A. 18A:37-2.1, school officials are required to suspend students for assaulting teachers, administrators or board members, and under N.J.S.A. 18A:6-1, have specific power to seize weapons or other dangerous items and quell school disturbances. Students who cause substantial damage to school property are also subject to



suspension or expulsion, and their parents or guardians may be held liable for damages in a court of competent jurisdiction under N.J.S.A. 18A:37-3. Certain acts may also expose the student and/or parents to criminal charges or civil liability.

In addition, schools, students and parents should be aware of newly enacted Safe School laws (P.L. 1995, c. 127 and 128), which are discussed at length in Appendix B, as are memoranda of agreement between schools and law enforcement agencies.

Child Abuse and Neglect. School employees are required to report suspected incidents of child abuse or neglect to the Department of Human Services, Division of Youth and Family Services. Guidance for reporting and investigating child abuse in the school setting may be found in N.J.A.C. 6:29-9.1.

Beepers and Other Electronics Devices. Schools may reasonably regulate electronic devices in general as part of their overall authority to maintain an orderly environment, free of distractions and conducive to learning. Beepers, however, are specifically prohibited on school property under N.J.S.A. 2C:33-19 unless an individual is given permission by the board of education based on good cause shown. (See Appendix B)



## **APPENDIX B**

### **POLICY INFORMATION AND PROCEDURES**



## **APPENDIX B**

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#### **Safe Schools Initiative**

##### **I. Introduction**

The following information is intended to assist district boards of education in implementing the Safe Schools Initiative, based on recent legislation that has become law. Chapter 127 of 1995 requires that pupils who are convicted or adjudicated delinquent for possession of a firearm or who are found to be in possession of a firearm on school property must be immediately removed from the regular education program and provided with an alternative program, pending a hearing before the board of education. Chapter 128 of 1995 requires that pupils who commit assaults upon members of the school community with a weapon other than a firearm shall be immediately removed from the school's regular education program and provided with an alternative program, pending a hearing before the board of education. These new laws, in addition to the other statutes referenced below, represent a significant milestone in our efforts to insure that schools are environments safe from violence and conducive to learning.

The new laws also bring New Jersey in compliance with provisions of federal law, P.L. 103-382, the Improving America's Schools Act of 1994 (IASA). This law mandates that states have in effect a statute requiring local educational agencies to "expel" from school for a period of not less than one year, a pupil who is determined to have brought a weapon to a school, as a condition of receiving federal funds. The federal law does not define the term "expulsion", and the Department of Education has been advised that the provisions in Chapter 127 of 1995 which require "removal" of a pupil for the same violation, comply with the intent of the federal law.

The IASA further provides that each local educational agency requesting assistance from the State under the provisions of the act must:

- Provide to the State an assurance that it is in compliance with the State law (Chapter 127 of 1995); and
- Provide a description of the circumstances surrounding any exclusion of pupils imposed under the State law.

Information regarding compliance with these provisions of the IASA have been provided to school districts as part of the application package for the Safe and Drug-Free Schools and Communities Act entitlement grant program disseminated in July 1995. District responsibility for providing information regarding exclusion of pupils will be met through utilization of the

revised Vandalism, Violence, Substance Abuse Report Form which will be distributed in September 1995.

Existing regulations, N.J.A.C. 6:29-10.2, already require district boards of education to adopt policies and procedures on the unlawful possession, distribution, and disposition of firearms and other deadly weapons. The following suggestions should be used to assist school districts in revising their policies and procedures in accordance with the new statutory framework.

## II. Administrative Procedures for Removal of Pupils for Weapons Offenses (Implementing Chapter 127 and 128 of 1995)

### Definitions:

**Removal:** The exclusion of a pupil from the regular education program in the school to which the pupil was assigned for the purpose of being offered a thorough and efficient, free public education and assignment of the pupil to an alternative education school/program for at least one calendar year, following a proper hearing conducted by the district board of education.

**Expulsion:** A permanent exclusion from school which denies a pupil the right to a free, thorough and efficient public education provided by the school district in which the pupil resides, based on specific conditions and following due process procedures, including a hearing conducted by the district board of education.

**Suspension:** A temporary exclusion from school, following due process procedures.

### Procedures

#### Removal of Pupils From Regular Education

Any pupil who is convicted or found to be delinquent for the following offenses shall be immediately removed from the school's regular education program for a period of not less than one calendar year and placed in an alternative education school or program pending a hearing before the district board of education to remove the pupil:

- Possessing a firearm on any school property, on a school bus, or at a school-sponsored function; or
- Committing a crime while possession a firearm.

(Reference: N.J.S.A. 2C:1f and 18 U.S.C. 921)

- Any pupil who assaults a pupil, teacher, administrator, board member, or other school district employee with a weapon other than a firearm on school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's regular education program and placed in an alternative education school or program, pending a hearing before the district board of education.

(Reference: N.J.S.A. 2C:12-1a(1) and N.J.S.A. 2C:39-1(r))

- The principal is responsible for the removal of any pupil for a weapons offense and must immediately report the removal to the chief school administrator. The principal must also notify the appropriate law enforcement agency of the possible violation of the code of criminal justice.
  - If placement in an approved alternative education school or program is not available, the pupil must be provided home instruction or instruction in other suitable facilities or programs until the alternative education placement is available.
  - In addition to placement in an approved alternative school or home instruction, the district board of education may consider other appropriate alternative education programs, such as individualized program plans developed in accordance with the graduation requirement standards set forth in N.J.A.C. 6:8-7.1(d)ii.
  - Any pupil removed for a weapons offense is entitled to a hearing before the board of education to determine if the pupil is guilty of committing the offense.
1. The hearing shall take place no longer than 30 calendar days following the day the pupil is removed from the regular education program. The hearing is not subject to the provisions of the "Open Public Meetings Act," P.L. 1975, c.231 (C.10:4-6 et seq.).
  2. The decision of the board must be made within five days after the close of the hearing. Any appeal of the board's decision must be made to the Commissioner of Education within 90 calendar days of the board's decision.
  3. If it is found that the pupil is not guilty of these offenses, the pupil must be immediately returned to the regular education program.
  4. The chief school administrator may modify the decision to remove a pupil on a case-by-case basis.

#### Return of Pupils to Regular Education

- The chief school administrator determines whether the pupil is prepared to return to the regular education program or whether the pupil remains in the alternative education program

or other educational placement. The chief school administrator's decision must be made in accordance with district procedures established pursuant to N.J.A.C. 6:26 et seq., Intervention and Referral Services for General Education Pupils, in consultation with the principal or director of the alternative education school/program or other education placement, and in accordance with the conditions resulting from the district board of education hearing on the pupil's offense. If the pupil is educationally disabled, the pupil's placement is determined by the child study team and the pupil's parent(s) in accordance with N.J.A.C. 6:28 et seq., Special Education.

It should be noted that none of the above procedures prohibit the district board of education from expelling a pupil. Additionally, pupils may seek written authorization from the chief school administrator to possess, handle, or use firearms, or other weapons as part of their participation in school-sponsored functions, military classes, or for recreational activities such as hunting clubs or rifle clubs. The chief school administrator must not provide such authorization to any pupil who has been convicted or found delinquent for possession of a firearm or for a crime involving the use of a firearm.

### III. Alternative Settings

The following alternatives are among those that should be considered if a pupil is removed from the regular education program and a placement in an approved alternative education program is not available, or if the chief school administrator determines that it is in the best interest of the pupil and the school to modify the conditions for the removal and placement of the pupil:

#### A. Home Instruction

Home instruction should be provided in accordance with the provisions of N.J.A.C. 6:28-4.5. If instruction cannot reasonably be provided at the pupil's place of confinement, a suitable alternative location such as a municipal, county or state government facility, or a community-based facility should be considered.

#### B. Program Completion Option

An Individualized Program Plan (IPP) may be developed for the pupil in accordance with the graduation requirement standards set forth in N.J.A.C. 6:8-7.1(d)ii. The IPP provides the pupil, parent, and teacher with an educational plan to facilitate implementation of alternative educational activities for pupils not placed in an approved alternative school or program. The IPP may be used in conjunction with home instruction, or as the basis for organizing the provision of other tutorial and supervised learning experiences.

#### C. Distance Learning

It is expected that the technology that will make distance learning an option for delivering individual and small group instruction will become increasingly



available during the next two years. Bergen, Burlington, Hudson, and Morris counties are already using a fiber optic network to support interactive instruction. Video/audio bridges providing local access to school-based or home sites are used to deliver instruction in combination with computers equipped with fax/modems and other communication devices.

#### D. Home Schooling

Parents of pupils removed from the regular educational program have the right to educate a child at home. They must demonstrate to the local school district that the instruction provided is academically equivalent to that provided in public school for a child of similar grade and attainment (State v. Massa, 94 N.J. Super. 382, (1967). If parents elect to educate a child at home, they must annually submit a written curriculum as evidence to the local board of education, and they are responsible for development, implementation, and assessment of their child. The local school district has the responsibility to review the proposed curriculum and accept it or show that the curriculum is not academically equivalent to that provided in the public schools (State v. Vaughn, 44 N.J. Super. 142 (1965).

If a child who has been schooled at home is subsequently enrolled in the local public school, the school evaluates the child and determines appropriate placement and the acceptability of credits.

#### IV. Special Education

The Individuals with Disabilities Education Act (IDEA), was enacted to ensure that a free, appropriate public education is made available to pupils with disabilities. The rights of pupils with disabilities to a free appropriate public education are compatible with the goal of school safety.

Pupils with disabilities who exhibit dangerous or violent behavior, may be removed immediately from the school setting. The principal may take swift action and may suspend the pupil for up to ten consecutive school days without involvement of the child study team.

When the school believes that a pupil with disabilities should be removed from school for more than ten school days the following steps are taken:

- The child study team must conduct a reevaluation to determine whether the pupil's misconduct was primarily caused by his or her disability;
- If the misconduct is determined not to be primarily caused by the pupil's disability, the pupil may be removed, expelled, or suspended from school for more than ten consecutive school days, following applicable due process procedures. However, the district may not cease educational services;

- If the misconduct is determined to be primarily caused by the pupil's disability, the pupil may not be expelled or suspended from school for more than ten consecutive days. However, the school district may change the pupil's placement if it believes that maintaining the pupil in the current educational placement is inappropriate.

A series of short-term suspensions beyond 10 school days may constitute a pattern of exclusion. The pupil's case manager determines whether such a pattern exists, and if it is so determined, the child study team must conduct a reevaluation as noted above.

If the district believes that the pupil with disabilities is a danger to self or others, or the pupil's presence in school will substantially disrupt the educational process, the district may seek emergency relief through the Office of Administrative Law to remove the pupil beyond ten school days.

According to provisions of the Jefford amendment to the IDEA made by the IASA, schools are permitted to make immediate interim changes of placement for pupils with disabilities who bring firearms to school. The principal may immediately suspend the pupil for up to ten school days. Subsequently, the pupil may be placed in an interim alternative educational placement for 45 calendar days. The individuals who participate in the development of the IEP are responsible for determining the interim alternative educational setting. During the 45 day interim alternative placement, the child study team will conduct a reevaluation to determine whether the pupil's misconduct was primarily caused by the pupil's disability and review the pupil's placement.

If it is determined that the pupil's behavior was not primarily caused by the disability, then the pupil may be removed for one year to the interim alternative placement. If it is determined that the behavior was primarily caused by the disability, the pupil may not be automatically removed for the one year; however, the district may propose a change in the pupil's placement. In either case, if the pupil's parents request a due process hearing, the pupil must remain in the interim placement until the completion of all proceedings, unless the parents and the school district can agree on another placement.

A resource document from the U.S. Department of Education with questions and answers regarding the disciplining of pupils with disabilities has been mailed to districts to provide additional guidance on this topic.

#### V. Other State Statutes

Three other existing statutes provide direction regarding behaviors by pupils which are disruptive, violent, or may lead to violence.

##### A. Assaults on Board of Education Members or Employees

Any pupil who commits an assault not involving a firearm, or other weapon upon a teacher, administrator, board member or other employee of a district board of education must be immediately suspended from school consistent with procedural due process, pending suspension or expulsion proceedings before the district board of education. The proceedings must take place no later than 90 calendar days following the day on which the pupil is suspended.

(Reference: N.J.S.A. 18A:37-21)

B. Remotely Activated Paging Devices

Without the expressed written permission of the school board, the chief school administrator, or the school principal, pupils are prohibited to bring or possess any remotely activated paging device on any property used for school purposes, at any time and regardless of whether school is in session or other persons are present.

(Reference: N.J.S.A. 2C:33-19)

C. Liability of Parents/Guardians of a Minor for Damage to Property

The parents or guardian of any minor who shall injure any public or nonpublic school property shall be liable for damages for the amount of injury to be collected by the board of education of the district or the owner of the premise in any court of competent jurisdiction, together with costs of suit.

(Reference: N.J.S.A. 18A:37-3)

VI. Memoranda of Understanding Between Education and Law Enforcement Authorities

N.J.A.C. 6:29-10.3(a) requires that district boards of education adopt policies and procedures which include an agreement or memorandum of understanding with appropriate law enforcement authorities consistent with the policies established through the State Memorandum of Agreement authorized by the Attorney General's Executive Directive 1988-1. The regulations also require that the chief school administrator and local law enforcement officials annually review the effectiveness of the implementation of the agreement and discuss the need for revising it. Appropriate modifications of the memorandum of agreement should be considered by chief school administrators and local law enforcement officials in order to effectively implement the provisions of the federal and state laws summarized above.



## **APPENDIX C**

### **ESTABLISHING CORE VALUES**



## APPENDIX C

### Establishing Core Values

The task of the...educator is not to cut down jungles but to irrigate deserts. The right defense against false sentiments is to [teach] just sentiments.

- C.S. Lewis

#### **Background**

Governor Thomas H. Kean, in his 1988 State of the State address, identified character development within schools as a priority and charged the Commissioner of Education with initiating a program to address this need. The Governor asserted his belief that the people of this state and nation have a common body of values, saying, "The thing that holds us together, that keeps society from flying centripetally apart, is the moral code we live by."

In response to the Governor's mandate, in September, 1988, the New Jersey State Department of Education established an advisory council to accomplish the following:

1. To list and define a common core of values deemed essential to our society and acceptable to the great majority of New Jersey citizens.
2. To recommend goals and objectives for character education.

In February 1989 the advisory council presented its report to the Commissioner of Education, and in September 1989 the report was accepted by resolution of the State Board of Education. The statements which follow were extracted from that report and highlight the concepts which underlie the committee's conclusions.

#### **Premises for Establishing School District Core Values**

1. Values may be defined as essential principles or standards which guide behavior and are unifying to the members of our democratic community, a community which depends for its existence upon the informed consent of the governed.
2. Values should first be taught within the family structure. Whether or not that occurs, and sometimes it does not, it is a proper and historically supported function of teachers to reinforce or initiate such education in values as a part of the larger school curriculum. Many New Jersey public school systems are actively engaged in values instruction. A survey of 342 New Jersey school districts completed by the Department of Education in

1990 indicated that one in four districts had a policy on character and values education, and 43 percent had some form of character and values education.

3. This nation includes numerous distinct ethnic, religious, and cultural groups who have a socially recognized and legally protected right to coexist as equals. Nevertheless, in the interest of the common good, our free pluralistic society requires an understanding of, and conduct based upon, generally accepted moral and ethical values.
4. The apparent fact that values can and do conflict with each other from time to time does not imply that such values are relative, or insecurely based. It rather signifies that the application of specific values in complex human situations is in no way analogous to the memorization of state capitals or mathematical formulae. Values are learned through a process of critical inquiry and weighing of circumstances.
5. Value-infused conduct centering upon selflessness must be demonstrated by all of us. No one can be exempted from living a value-based life, and no conditions can be said to create a bar to such a life. It is obvious, however, that the growth of positive standards is only well-facilitated where the environment is free from oppression and hunger, where hope may arise. The presence of hope in each of us is a basis for our impulse to act with respect towards ourselves and others.



## Core Values

The following, in alphabetical order, are values the advisory council recommended for consideration by local school districts as the core of character and values education. While it is possible to establish a very long list of important values, the advisory council elected to list relatively few core values, but included those essential attributes which together form the overriding value. Brief definitions and comments are set forth below.

### 1. CIVIC RESPONSIBILITY

Based upon:

- a. Acknowledgment of Authority. Acceptance of the need for and primacy of authority in given circumstances. An acknowledgment that privileges and rights in a democracy should be balanced by a sense of obligation to others. Socially conscious conduct, though neither passive nor obsequious.
- b. Global Awareness. Consciousness of the interdependence of all peoples, social systems, and natural systems which necessitates cooperation among all nations.
- c. Justice. Fairness. The entitlement of every person to that treatment which is his or her impartial and unprejudiced due.
- d. Patriotism. The support of or love one's country, especially through an understanding of its advantages; not inconsistent with vigorous opposition to specific governmental policies or actions. Implies respect for and adherence to democracy, equality, equal opportunity for all.
- e. Property Rights. Acknowledgment of the right of others to possession of their property without interference.

### 2. RESPECT FOR NATURAL ENVIRONMENT.

Based upon:

- a. Care for and conservation of all the other living inhabitants of the earth.
- b. Care for conservation of those prerequisites to life which were given to us in fertile, treed, and flowering land; clear air; and pure water.
- c. Conduct based upon knowledge that the natural environment is not locally or nationally severable, but is everywhere a part of a larger and interdependent whole.

### 3. RESPECT FOR OTHERS

Based upon:

- a. Compassion. Service to Others. That characteristic of meaningfully sharing and responding to the feelings and needs of others which leads to providing personal assistance and comfort to them.
- b. Courtesy. Cooperativeness. The recognition of our mutual interdependence upon our fellow human beings which causes us to treat them politely, to respect their utterances and wishes, and to work jointly with them for our common good. Innovation, spontaneous creativity, critical judgment, and dissent are all complementary and essential outgrowths of this attribute.
- c. Honesty. Trustworthiness and fairness in speaking and acting. The absence of fraud, deceit, and lying.
- d. Loyalty. Steadfastness or faithfulness to a person, custom, or idea.
- e. Moderation. Conduct which is maintained within reasonable limits so as to avoid excessive or violent extremes.
- f. Recognitions and understanding of various religious traditions. A social and historical perspective based upon an appreciation of the contributions of various religious traditions.
- g. Regard for Human Life. Acknowledgment of the overriding importance of human life and the right of every human to the peaceful continuation of life. Includes understanding and practicing responsible sexual behavior. Also includes rejection of whatever endangers or diminishes the value of human life--such as violence, drug and alcohol abuse.
- h. Tolerance. The capacity for and the practice of allowing and respecting the differing natures, beliefs, and standards of others. The avoidance of racial, religious, or gender arrogance or animosity. The ability to permit dissenting beliefs, customs, or standards.

### 4. RESPECT FOR SELF

Based upon:

- a. Accountability. The obligation each of us carries to explain, to justify our conduct. The resultant circumstance of being answerable for our actions.

- b. Courage. The willingness to face obstacles, including danger, with determination.
- c. Diligence. Commitment. Reliability. The persistent desire and ability to apply oneself with care and effort to occupations and relationships.
- d. Frugality. Thrift. Wise economy in the management of assets, including natural resources. The avoidance of unnecessary expenditures.
- e. Knowledge and Learning. A desire for learning informed by a commitment to rational inquiry. The devotion to development of the mind. Value-based education rightly assumes that learning will be transformed into positive character and behavior patterns.
- f. Moral Courage. Firm adherence to morally based actions without regard to whether the consequences will be personally advantageous or disadvantageous. Includes integrity and self-honestly. Together, these are prerequisites to principled conduct.
- g. Self-Esteem. Pride. Belief in oneself and one's own potential for successful participation in our society. Must be moderated with tolerance for others.

In accepting the report of the advisory council, the State Board of Education recommended that district boards of education establish a citizen's advisory group to develop a program for the implementation of core values in their local communities. Following this approach will prepare a firm foundation for developing school codes of conduct.



## **APPENDIX D**

### **EXPECTATIONS FOR STUDENT BEHAVIORS**



**APPENDIX D****EXPECTATIONS FOR STUDENT BEHAVIOR**

Students, parents, school administrators, and boards of education all agree that positive student commitment and behavior are essential to effective learning. At the same time, student behavior is often a problem in our schools. We believe that it is important to help students realize that their own attitudes and acts are directly related to their school experiences and that of their classmates. With the support and assistance of school personnel and parents, all students have the capacity to demonstrate actions which contribute to the effectiveness of schools and the worth of their learning experiences. Commensurate with their maturational levels and individual abilities, all students can behave in ways that enhance the social relationships of the school and facilitate learning.

Therefore, we, the students, parents, teachers, administrators, and the board of education of this school district, expect all students to fulfill the behavioral expectations of the school community, and to:

- Prepare themselves mentally and physically for the process of learning.
- Demonstrate respect for people and property.
- Take responsibility for their own behavior and learning.
- Use time and other resources responsibly.
- Share responsibility when working as members of a group.
- Meet the unique requirements of each class.
- Monitor their own progress toward objectives.
- Communicate with parents and school personnel about school-related matters.





## **APPENDIX E**

### **MODEL POLICY COMPONENTS**



## APPENDIX E

### MODEL POLICY COMPONENTS

This section of the appendix provides school districts with generic samples of code components taken from the documents submitted as model district codes by county offices of education and from codes recommended by the National School Safety Center. These sample sections of school codes offer ideas, language and content that may be helpful and practical when writing, revising or updating local school district codes of conduct.

#### Sample Introduction and Purpose Statements

1. Vernon Township Public Schools, Vernon, NJ

*The Vernon Township Public Schools recognize that rapid societal changes have impacted upon the traditional school and its approach to instruction and discipline. One constant factor in the midst of society's changes has been the district's goal of providing a pleasant, safe and challenging learning environment for every Vernon Township student. The home and school have shared responsibility in achieving this goal.*

*Every school district has the right and responsibility to establish standards for acceptable student behavior within the school setting and every student has the potential for choosing appropriate behavior and for becoming a responsible citizen of their school community regardless of background or current level of ability. To assist students and parents, we list below this district's behavioral expectations for all student in grades K-12.*

2. Vineland High School, Vineland, NJ

*The main purpose of Vineland High School's existence is learning. In order for learning to take place, students must be in attendance, their behavior must not be disruptive of the atmosphere for learning and their actions must not jeopardize the right, property, or well-being of others.*

*In order to develop the self-discipline necessary for learning and living, students have a right to know what is acceptable in the way of behavior. For this reason, the disciplinary guide which follows should be carefully read and understood by faculty, parents and students. This guide will be reviewed annually and revised where necessary.*

### 3. Broward County Public Schools, Broward County Florida

#### *Part One - What the Code Provides*

*We have public schools because American citizens believe that every person has the right to an education. Florida, like the other states, has laws to make sure that children can and do attend schools. In Florida, children between the ages of six and sixteen must attend school. Local counties must provide free public schools for them to attend. Those schools must provide a safe, friendly, and businesslike place to learn.*

*Each part of the Code of Student Conduct tells about different kinds of rights and responsibilities that students have in our schools. It also lists rules that have been made about those rights and responsibilities.*

*This part of the booklet is meant to let you know how the code is set up and what may happen if the rules are broken. Whenever possible, simple action that fits the situation is taken on the spot. When a problem cannot be handled simply, one or more of the following actions may be taken until the problem is resolved: (See Note 1)*

- *Teacher/student conference including record review*
- *Disciplinary action initiated by teacher*
- *Restitution, detention, work detail, etc.*
- *Referral to Guidance/Administration*
- *School/parent contact*
- *School/parent conference*
- *Confiscation*
- *Principal involvement*
- *Administrative/Guidance referral to school social worker/visiting teacher*
- *Suspension from the bus; student must attend school and parent must provide transportation*
- *Warning, notification or towing for motor vehicle violations:*
  - a. *Warning, first (1st) offense*
  - b. *Parents notified, second (2nd) offense*
  - c. *Vehicle towed away, third (3rd) offense*
- *Internal suspension from classes (See Note 2 and Note 3)*
- *Administrative referral to student services, outside agencies, counseling programs, alternative education programs, and/or placement in other special programs such as a telecommunications class or state licensed drug rehabilitation program.*
- *External suspension from classes and all school activities in accordance with School Board Policy (See Note 2 and Note 3)*
- *Referral to Special Investigative Unit/Police*

- *Full restitution by parent(s) for damage done by student in accordance with School Board Policy 2303*
- *Recommendation for expulsion in accordance with School Board Policies*

*NOTE 1: In selecting consequences to use for unacceptable behaviors, it is not necessary to use each one or to use them in the order listed.*

*NOTE 2: Normally suspension shall occur only after other corrective measures, such as parent contact, have been tried without success. The school provides the student's parent(s) with a written explanation of the reason for suspension.*

*NOTE 3: Suspensions and expulsion of IDEA-eligible disabled students shall follow the provisions of their Individual Educational Plan (IEP)*

*NOTE 4: Suspension and expulsion of students determined as disabled under Section 504 of The Rehabilitation Act of 1973 shall follow the Section 504 Accommodation Plan.*

### **Sample Importance of Parental Involvement and Support Statements**

#### **1. Fredon Township Schools, Newton, NJ**

*This handbook has been developed to help you become better acquainted with the discipline procedures of our school.*

*The staff is committed to providing an atmosphere where each student can progress academically and grow socially.*

*Your cooperation is needed in this process. We pledge our abilities and talents to the education of the children in the community. Since this a continuing process, your support and assistance are needed if we are to be successful.*

*Students and parents/guardians are urged to read and discuss this handbook together. Although the focus of these procedures is on the upper grades, 4, 5, 6 all students should made aware of the positive climate we wish to establish in our school.*

*We the staff of Fredon, believe that through a collaborative endeavor between home and school, our educational goals can be realized.*

2. Caldwell-West Caldwell Public Schools, West Caldwell, NJ

*We acknowledge that people progress through stages of moral development over time and that differences may exist between individuals within groups.*

*We believe it is the parent's responsibility to teach children "right" and "wrong" and it is the school's responsibility to nurture that development.*

*We believe that clear standards and behavioral expectations are essential to social order, individual rights, and effective public schools.*

*It is the responsibility of the school and family to set examples in matters of honesty, fairness, courtesy, kindness, orderliness, industry, and respect and to teach:*

- *an understanding of, and respect for, the integrity, opinions, ambitions of others;*
- *respect for constitutional, legal and human rights of others and for preservation of American ideals; and*
- *an appreciation of the dignity of work and worthwhile accomplishment.*

3. Cranford High School, Cranford, NJ

*Parents/guardians shall be expected to guide and direct their children toward standards of good conduct in the total school environment, as described, as well as to cooperate with school officials in preventative and corrective disciplinary measures regarding their children. Principals and teachers shall afford parents adequate opportunities to work with school staff in helping, supporting and modifying the behavior of students.*

## Sample of Student Responsibilities and Rights

### 1. Waterford Township Public Schools, Waterford, NJ

*The Waterford Township Public School system adheres to the firm belief that students have basic rights and responsibilities in pursuing their educational experiences in schools.*

#### A. *The basic student rights include:*

- the right to due process*
- the right to a safe environment*
- the right to freedom from discrimination*
- the right to educational opportunities*
- the right to inquiry and expression*

#### B. *The privileges and rights of students may not, however interfere with the rights of others. The right of freedom of expression does not condone abusive, physical or verbal expression infringing on the rights of others. Therefore, the privileges of rights carry with them the task of responsibility. The students have the responsibility to adhere to school rules.*

### 2. West Essex Senior High School, North Caldwell, NJ

*As students, you have a fundamental right to a free public education. Along with this right is the corresponding responsibility to join with other members of the school community in respecting one another.*

*You also have the right and responsibility to live by the rules of law and to equal protection under the law. It is your obligation to obey school regulations and the school authorities who enforce them. This responsibility relates to your conduct on school buses as well as in the building itself.*

## 3. Broward County Public Schools, Broward County, Florida

*Part Four - Respect for Persons and Property.*

*Public and private safety are constitutional rights. These rights must sometimes be balanced against each other for everyone's benefit. Students, parents, and school staff need to work together to see that these rights are preserved in our schools.*

**RIGHTS**

*Students have the right to be treated with respect.*

*Students have the right to a safe and orderly school.*

**RESPONSIBILITIES**

*Students have the responsibility to treat others with respect.*

*Students have the responsibility to treat school property and the property of others with respect and to act in a way that does not interfere with the rights of others and is not harmful to the health and safety of others.*

*Students and teachers need to concentrate on the learning/teaching process. In order to achieve this goal, it is important for students to:*

- A. obey teachers and all other school employees;*
- B. obey each individual rule as defined by the school;*
- C. obey bus drivers.*

*School bus transportation is a privilege not a right. This privilege can be denied for recurrent inappropriate bus behavior.*

**RULES**

*All students are expected to honor their responsibilities and behave in ways which respect the rights of all. The rules of behavior include but are not limited to the following:*

*A. Appropriate Behavior:*

- 1. being prepared for class by bringing paper, pencil, pen, books, and other needed supplies;*
- 2. completing all class work and homework;*
- 3. using class time properly;*
- 4. taking home and returning necessary forms;*
- 5. following rules and regulations about field trips;*
- 6. taking care of and returning all textbooks, library books or other school-owned materials loaned to them; and*



7. *acting responsibility on campus and at all school sponsored events regardless of location, to include bus transportation.*

B. *Unacceptable Behavior:*

1. *disturbing the class or school by: being disrespectful or rude, refusing to obey any staff member, failing to follow classroom rules, running in the halls, throwing objects, possessing or igniting fireworks or smoke/stink bombs, fighting, gambling, or bringing distracting items to school such as toys, toy weapons, games, radios, paging devices, recorders, and telephones except those telephones which are secured within a private vehicle;*
2. *abuse by any student including but not limited to verbal abuse, actual or threatened physical harm, extortion, or destruction of personal property;*
3. *committing any criminal acts;*
4. *misbehaving on the bus by: distracting the bus driver, eating or drinking, disobeying safety rules or being disruptive;*
5. *damaging or defacing school property;*
6. *possession or use of tobacco products;*
7. *using insulting, profane or offensive language, or making obscene remarks or gestures;*
8. *using gang related gestures and/or signs;*
9. *taking part in physical acts of a sexual nature, engaging in sexual harassment or offending others by indecent exposure; and*
10. *endangering the lives of students and staff by setting off unfounded fire alarms.*

## Samples of Disciplinary Sanctions and Due Process

### 1. Quinton Township Elementary School, Quinton, NJ

#### *Due Process*

*Alleged violations are to be investigated by a school administrator with pupils accorded due process of law.*

*Due process of law requires that in the case of suspension, the student must have an informal hearing by a school official which includes:*

1. *Informing the student of the charges against him/her.*
2. *giving the student a chance to reply to the charges*

#### DISCIPLINE CODE INFRACTIONS AND PENALTIES

\* *Written Parental Notification will be given*

\*\* *Written Parental Notification will be given followed by parent administrator conference*

#### Actions Against the Rights of Others

##### Willfully causing, or attempting to cause substantial damage to school property.

- 1st offense (1) to (3) external suspension - parent held financially responsible for repair or replacement - police action possible \*\**
- 2nd offense (3) to (5) external suspensions - parent held financially responsible for repair or replacement - police action possible \*\**
- 3rd offense (5) to (10) external suspensions - parent held financially responsible for repair or replacement - police action possible \*\**

##### Willfully taking or possessing substantial school property

- 1st offense (1) to (3) external suspension - parent held financially responsible for repair or replacement - police action possible \*\**
- 2nd offense (3) to (5) external suspension - parent held financially responsible for repair or replacement - police action possible \*\**
- 3rd offense (5) to (10) external suspension - parent held financially responsible for repair or replacement - police action possible \*\**

## 2. Delsea Regional High School, Franklinville, NJ

*Student Accountability*

- *Each student as is true for every citizen, is entitled to due process. Therefore, a request for a hearing in the presence of parents, if underage, will be honored. Eighteen year olds are also entitled to a hearing.*

<i>INFRACTION</i>	<i>OFFENSE</i>	<i>DISCIPLINE</i>
<i>VANDALISM (willful)</i>	<i>First</i>	<i>Three days internal suspension - compensation for damages - court complaint - parent conference with principal.</i>
	<i>Second</i>	<i>Three days external suspension - compensation for damages - court complaint - parent conference with principal with referral to CST - homebound instruction pending CST review and/or conference with superintendent.</i>
<i>VANDALISM (accidental)</i>		<i>Compensation - parental contact - court complaint may be filed if compensation does not take place.</i>
<i>FIGHTING</i>	<i>First</i>	<i>Three days internal suspension - parent conference with vice-principal.</i>
	<i>Second</i>	<i>Three days external suspension - parent conference with principal.</i>
	<i>Third</i>	<i>Five days external suspension - parent conference with principal with referral to CST - homebound instruction pending CST and/or conference with superintendent - court complaint may be signed due to willful and continued disobedience.</i>
<i>SEVERE MISCONDUCT</i>	<i>First</i>	<i>Three days internal suspension and parental contact with vice principal.</i>
	<i>Second</i>	<i>Three days internal suspension and a parental conference with vice principal.</i>

## 3. Milwaukee Public Schools, Milwaukee, Wisconsin

**DISCIPLINE PROCEDURES FOR REGULAR  
EDUCATION STUDENTS**

**DUE PROCESS PROCEDURES FOR SUSPENSION**

- *Both regular and exceptional education students are subject to disciplinary procedures, if necessary, that promote positive behavioral change. The goal is to have all students function successfully in their educational and social environments and to protect fellow students, school staff members, public property, and themselves.*

*Any student who is suspected of committing a breach of discipline will have a conference prior to the decision whether or not to suspend the student. The only exception is for emergency situations when the principal or assistant principal determines that the student's continued presence is an immediate danger to persons or property or may physically disrupt the school's orderly operation.*

*Whenever an emergency suspension occurs, the parent/guardian or emergency contact person must be notified immediately.*

*The following steps must be taken to follow due process procedures regarding suspension:*

- *The principal or assistant principal must attempt to notify the student of the charge(s).*
- *If the student admits the charge(s), the administrator shall determine the appropriate disciplinary action.*
- *If the student denies the charge(s), the school administrator:*
  - *Shall give the student an explanation of the evidence resulting in the charge(s).*
  - *Has the authority to decide if the evidence will include the names of witnesses.*
  - *Shall give the student a reasonable opportunity to state the student's side of the story.*
- *After reviewing the evidence, the school administrator will determine if the charge(s) is supported by the evidence. If the student is found innocent, the incident is closed. If the*

*student is found guilty, the administrator shall determine the appropriate disciplinary action in accordance with school district policies and administrative guidelines.*

- *Suspension becomes effective after the informal suspension hearing, after notification of the parent/guardian/emergency contact person, or at the end of the school day.*
- *Schools must notify the student and the parent/guardian/emergency contact person of the suspension and the reasons for the action before a student is sent home during the day. A suspension notice must be mailed to the parent/guardian and sent home with the student. The notice must contain the following information:*
  - *The time date, and specific reason(s) for suspension.*
  - *The procedures to be followed by the student and parent/guardian for reinstatement.*
  - *The length of the suspension if there is no other administrative action.*
  - *A request that the parent/guardian contact the school administrator to arrange a mutually agreeable time for a conference prior to the reinstatement date.*
  - *Notice to the parent/guardian that the student is automatically reinstated after three school days unless other action is pending.*
  - *Notice to the parent/guardian and student that suspension means the student cannot participate in any school-related activities during or after school or on weekends. The student is not to enter any Milwaukee Public School property without prior authorization of the principal or her/his designee.*

*APPEAL PROCEDURES - An appeal procedure may be used by the student or parent by contacting the principal if the student or parent is dissatisfied with the suspension decision.*

### ***DISCIPLINE PROCEDURES FOR EXCEPTIONAL EDUCATION STUDENTS***

*Both regular and exceptional education students are subject to disciplinary procedures, if necessary, which promote positive behavioral change. The goal is to have all students function successfully in their educational and social environments and to protect fellow students, school staff members, public property, as well as themselves.*

*Disciplinary procedures and measures should be included in the exceptional education student's Individual Education Plan (IEP) and discussed with the parent(s) during that process. When planning the IEP, the school should review the student's needs and the way a handicap may affect her/his behavior. The IEP may include behavioral goals, objectives, and criteria for measuring growth in the area of student conduct and discipline.*

*In cases where disciplinary action includes a suspension, the school administrator shall notify parents/guardians in the same manner as regular education students, and shall follow the same general procedures for suspension. As a general rule, suspensions of an exceptional education student during the school year should be cumulated and should not exceed a total of 10 school days. However, the 10-day limit may be exceeded under special circumstances.*

*In cases involving serious breaches of discipline of an exceptional student, the school district may impose discipline which constitutes a change in placement under federal law. Discipline constituting a change in placement will be taken following the requirements of federal law.*

### **Sample of Positive Reinforcement for Good Conduct and Academic Success**

#### **1. Washington Borough Board of Education, Washington, NJ**

*We believe that positive attitudes work. We like to recognize children who have learned to control their actions and words in the classroom. Teachers will encourage and praise children. Everyone, including the administration, the school board and the PTO, will recognize and admire the children who are learning self-discipline and good citizenship.*

*Public acknowledgment of the children's achievement may be in the form of:*

*tokens,  
certificates,  
parties,  
extra recess,  
the teacher's spoken praise,  
the teacher's written praise,  
stamps, stickers, and stars,  
special activities, and  
an awards ceremony.*

#### **2. Somerdale Public School District, Somerdale, NJ**

##### ***Super Citizen***

*Each month a student who exemplifies school spirit, a concern for others and academic effort will be honored. This Super Citizen will be given a certificate and have his/her name posted in the administrative office.*

3. Jersey City Public Schools, Jersey City, NJ

*The role of incentives is to encourage all students to seek a higher level of personal and academic performance. Recognition should not be limited to rewarding only those students who demonstrate ongoing positive behaviors. A concerted effort must also be made to recognize those students who have previously exhibited marginal or unacceptable behavior and who have improved said behaviors. Thus, incentives should be made available through the broadest means possible to positively motivate all students of the Jersey City Public Schools through the efforts of the entire staff of the district.*

*One incentive is showing that teachers and principals care about the welfare of the students. Schools are encouraged to call the family when a student is absent to inquire about the reasons for the absence.*

4. Woodstown High School, Woodstown, NJ

- A. Positive remarks regarding conduct and behavior are included in pupil progress reports.*
- B. Weekly Student Recognition Awards are given for achievement, effort and outlook.*

### Sample Parental Sign-Off

1. Weston School, Manville Board of Education, Manville, NJ

### **BEHAVIOR CODE CONTRACT WESTON SCHOOL**

*Weston school must be a place in which an opportunity to learn is provided for every student. This occurs for all students when each student follows this Behavior Code. Please read our Behavior Code with your child.*

1. *I will communicate with other students and teachers in an appropriate manner.*
2. *I will respect and care for others' property.*
3. *I will treat people appropriately.*
4. *I will not chew gum or wear a hat in school.*

*If I first misbehave or violate the Behavior Code, a teacher will speak to me about my behavior and about ways of improving it. I may be assigned a timeout from regular class instruction, a detention after school in the teacher's classroom, a central detention, and/or my parents may be notified of my behavior.*

*Furthermore:*

- *If I am assigned three central detentions in one month, I will lose five consecutive lunch recesses.*
- *If I am assigned three detentions for two consecutive months each, I will lose special privileges such as field trips recess, and/or may be suspended from school at the discretion of the Principal in consultation with my teachers and parents.*

*We, the undersigned, have read the Behavior Code and understand the importance of following its guidelines and will respect the rules set forth to the best of our ability.*

---

*Student's Signature*

---

*Date*

---

*Parent/Guardian Signature*

*This contract must be signed and returned to the student's teacher the first week of school.*

*When students abide by this behavior contract, learning for all students will be a positive, growing experience. Your cooperation is appreciated.*



## 2. Dr. John H. Winslow School, Vineland Public Schools, Vineland, NJ

*Dear Parents:*

*I am delighted that your child \_\_\_\_\_ is in my class this year. With your encouragement, your child will be part of many exciting and rewarding experiences this academic year.*

*Since lifelong success depends in part on self-discipline, I have developed a classroom Discipline Plan which affords every student guidance in making good decisions about their behavior and thus an opportunity to learn in a positive, nurturing class environment. Your child deserves the most positive educational climate possible for his/her growth, and I know that, together we will make a difference in this process. The plan below outlines our classroom rules, possible rewards and consequences for appropriate and inappropriate behavior.*

*They are:*

*Rules:*

- 1. Follow directions the first time given.*
- 2. Keep hands, feet and objects to yourself.*
- 3. Respect the rights and property of others.*
- 4. Do not waste time or disrupt the class.*

*To encourage students to follow our class rules, I will support appropriate behavior with praise, happy notes home and sometimes a positive phone call.*

*However, if a student chooses to break a rule, the following steps will be taken:*

<i>1st consequence:</i>	<i>Warning</i>
<i>2nd consequence:</i>	<i>Loss of recess time</i>
<i>3rd consequence:</i>	<i>Call parents</i>
<i>4th consequence:</i>	<i>Send to principal</i>

*Please be assured that my goal is to work with parents the way I would want my children's teachers to work with me. Also, am available to conference if you need to meet with me before or after school.*

*Please ask your child to review this classroom plan with you, and then sign and return the form below. Thank you for joining our winning home/school team.*

*Mrs. Crudele Room 15*

*I have read \_\_\_\_\_ Classroom Discipline Plan and discussed it with him/her.*

*Parent/Guardian Signature*

*Date*

## 3. Broward County Public Schools, Brower County, FL

**SECONDARY CODE OF STUDENT CONDUCT**\_\_\_\_\_  
*Student Name (Please Print)*\_\_\_\_\_  
*Social Security Number*

*Students, parents\*, teachers, counselors, administrators, and office staff all have important roles to play in our schools. With so many people working together, problems may occur from time to time. Rules have been made to address these problems. Like laws, rules apply to everyone, and they work only when everyone knows what they are.*

*This booklet lists the rules for students in Broward County. The rules apply to all activities occurring on school grounds, on other sites being used for school activities and for any vehicles authorized for the transporting of students. Please read them. Parents, students, school faculty and staff need to be aware of the rules.*

*Since parent(s) guardian(s) can be help responsible for the actions of their children, it is important that they are aware of the rules and consequences if the rules are broken.*

*Parents need to become involved in the education of their children and have the responsibility to provide the school with current emergency contact person and/or telephone numbers. They also have the responsibility to notify the school of anything (such as medical information) which may affect their child's ability to learn, to attend school regularly, or to take part in school activities. Parent(s) should take special notice of the **Attendance and Tardy** sections of this Code as well as the **Suspension and Expulsion** provisions which are in accordance with School Board Policy. In addition, parents should note the Driver's License Attendance Law as per School Board Policy.*

*The school system must have proof that every student and every parent or guardian has had a chance to either to read this Code of Conduct or hear it read aloud. Please cut out this page, sign it, and send it back to school. Signed forms must be part of every student's record. **Your signature means that you have received this booklet and know what the rules are.** (It does not mean that you agree or disagree with them).*

\_\_\_\_\_  
*Parent/Guardian Signature*\_\_\_\_\_  
*Date*\_\_\_\_\_  
*Parent/Guardian Signature*\_\_\_\_\_  
*Date*\_\_\_\_\_  
*Student Signature*\_\_\_\_\_  
*Date*

*\*Throughout the Code, wherever the word "parent(s)" appears in this book, it shall also refer to "guardian(s)". Wherever student responsibilities are described in this Code, it is understood that parents jointly share the responsibilities with their children.*

**DRIVER'S LICENSE**

*I/we have read and understand School Board of Broward County Policy 5005.2 regarding denial/suspension of Florida Driver's License (Appendix I)*

\_\_\_\_\_  
*Student Signature*\_\_\_\_\_  
*Date*\_\_\_\_\_  
*Parent Signature*\_\_\_\_\_  
*Date*

**APPENDIX F**

**INFORMATION CONTACT POINTS**



## **APPENDIX F**

### **INFORMATION CONTACT POINTS**

#### Codes of Conduct

Children's Safety Network  
National Injury and  
Violence Prevention Resource Center  
National Center for Education in  
Maternal and Child Health  
Georgetown University  
2000 15th Street North, Suite 701  
Arlington, VA 22201-7802  
Phone (703) 524-7802

National School Safety Center  
4165 Thousand Oaks Blvd., Suite 290  
Westlake Village, CA 91362  
Phone (805) 373-9977

New Jersey School Boards Association  
P.O. Box 909  
Trenton, NJ 08605-0909  
Phone (609) 659-7600

#### Character and Values Education

Character Counts Coalition  
4640 Admiralty Way  
Marina del Rey, CA 90292  
Phone (310) 306-1868

National Character Education Partnership  
809 Franklin Street  
Alexandria, VA 22314  
Phone (703) 739-9515

National School Boards Association  
1680 Duke Street  
Alexandria, VA 22314  
Phone (703) 838-6722

